



LAWCHAKRA.IN

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 13659/2023 & CM APPL. 53969/2023

SHARMISHTHAA ATREJA Petitioner

Through: Dr. Amit George, Mr. Dhiraj Philip, Mr. Febin Mathews, Ms. Srishti Agrawal, Mr. Shashwat Kabi and Mr. Rayadurgam Bharat, Advocates with Petitioner.

versus

UNIVERSITY OF DELHI & ORS Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal and Ms. Niyati Sharma, Advocates for University of Delhi.

CORAM: HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

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O R D E R
13.02.2024

1. The Petitioner herein, who is visually impaired, has approached this Court with the following prayers:

“a. Issue an appropriate writ, order or direction in the nature of certiorari to quash the Letter with reference No. ESTATE/070/2023/D-9036 & D-9127/7683/7684 dated 03.10.2023 [received on 05.10.2023] being ultra vires the provisions of the Constitution of India and in violation of the Rules for Allotment of Residences which have been amended by way of 31.07.2013, 26.09.2013, 14.08.2014 & 09.01.2015 and Public Premises (Eviction of Unauthorized Occupants) Act, 1971;

b. Issue an appropriate writ, order or direction in the

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nature of mandamus directing the Respondent No. 2 to allot the Petitioner an accommodation near her department after considering her entitlements and Reasonable Accommodations in terms of Rights of Persons with Disabilities Act, 2016;

c. Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondent No. 2 to not evict the Petitioner from University Graduate Hostel for Girls (“UGHG”) with No. A-2/1 (GF) until an alternate accommodation is granted to the Petitioner;

d. Issue an appropriate writ, order or direction in the nature of mandamus directing that the Petitioner may be considered for allotment (a) out of turn and/or (b) cases where different interests and views of points are involved, which ought to be considered by the Allotment Advisory Committee in terms of the Rules for Allotment; and/or

e. Pass any such further/ other orders that this Hon'ble Commission may deem fit in the interest of equity and justice.”

2. The Petitioner herein is 100% visually impaired and is working as an Assistant Professor in the Department of Philosophy, Faculty of Arts, University of Delhi. Vide the letter dated 03.10.2023 which is under challenge in the instant writ petition, the Petitioner has been asked to vacate Type-V, University Hostel accommodation bearing No.A/2/1(GF) provided to her. It is stated that the said accommodation occupied by the Petitioner was required for the warden.

3. This Court requested Mr. Mohinder J. S. Rupal, learned Advocate, to intervene in the matter so that University does not take this case as



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adversarial in nature. Few suggestions were given to the learned Counsel for the Petitioner and ultimately, the premises bearing D-7 Maurice Nagar (Ground Floor) has been identified as a suitable accommodation for the Petitioner. However, the Petitioner, who is a 100% visually impaired, states that since there are no doors in the bathroom and there are no proper latches to block the entry door, it would be difficult for the Petitioner to move in the said premises due to the disabilities being faced by her. The learned Counsel for the Petitioner has given the following list of civil works which are required to be carried out in the premises:

- “i. Glass [obscured] in the window in the internal/first bathroom inside the house with latch/lock in the entry door to be installed.
- ii. Glass in the window in the drawing room to be installed.
- iii. Roof covering over the external/second bathroom in the outhouse to be installed.
- iv. Pipes/fittings/taps, which are largely absent, are to be installed in both bathrooms.
- v. Electrical switchboards, which are largely absent, are to be installed.
- vi. Covering of naked/exposed electrical wires within and outside the building.
- vii. Workable lock/latch in the entry door to the house.”

4. It is expected that the University would carry out the aforesaid civil works within a period of four weeks from today.



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5. The Petitioner is directed to vacate the premises occupied by her on or before 15.03.2024 by which time all the civil works would be completed by the University.

6. Regarding the demand that has been raised by the Respondent towards the use and occupation of the property, the Petitioner is permitted to file a representation to the University within a period of 10 days from today and the University is directed to consider the representation. It is expected that looking at the fact that the Petitioner is 100% visually impaired and has been facing difficulties because of her physical disability, the University is requested to take a sympathetic view in this matter.

7. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 13, 2024

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This is a digitally signed order.

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