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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 139/2015 & CM 3369/2015

PARMANAND (LIBRARIAN)..... Petitioner

Through Mr. Saurabh Ahuja, Advocate.

versus

PUNIYA SALILA SRIVASTAVA Respondent

Through Mr. Naushad Ahmed Khan, ASC for
GNCT

AND

+ CONT.CAS(C) 140/2015 & CM 3371/2015

DHANESH KUMAR (PHYSICAL

TRAINING INSTRUCTOR) Petitioner

Through Mr. Saurabh Ahuja, Advocate.

versus

PUNIYA SALILA SRIVASTAVA Respondent

Through Mr. Naushad Ahmed Khan, ASC for
GNCT

WITH

+ CONT.CAS(C) 143/2015 & CM 3423/2015

SURESH CHAND VASHISTH (LIBRARIAN) Petitioner

Through Mr. Saurabh Ahuja, Advocate.

versus

(4)

PUNIYA SALILA SRIVASTAVA Respondent
Through: Mr. Santosh Kumar Tripathi, ASC,
GNCT, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.07.2015

Present contempt petitions have been filed alleging wilful disobedience of the judgement and order dated 06th August, 2010 passed by the Division Bench of this Court in a batch of writ petitions in which the lead matter was W.P.(C) 10640/2009.

The Division Bench by the aforesaid order directed AICTE to decide specifically the issue of educational qualification required by the Librarians and Physical Education persons in technical institutes in Delhi and in their scales of pay. The Division Bench also directed that specific approval shall be granted by AICTE in clear language for the reason its notification dated 30th December, 1999 vide para 2.3 casts an obligation on AICTE to consider for approval the pay scales to be applied if the State Government seeks not to implement the scales of pay recommended by AICTE.

In pursuance to the aforesaid order passed by the Division Bench, the AICTE vide its letter dated 27th August, 2014 issued clarification regarding applicability of revised educational qualification to the existing incumbents appointed between 01st January, 1996 and 15th March, 2000. The relevant portion of the said clarification is reproduced hereinbelow:

"Librarians and Physical training Instructors, who have been recruited between 01.01.1996 to 15.03.2000 in the Diploma Level Institutions, with the existing recruitment rules to be considered for upgradation under CAS in the next higher grade of Senior Scale only. However for further upward movement under CAS, they are required to acquire minimum educational qualification in a manner similar to that laid down in AICTE notification 2000 (Degree level) and subsequent clarifications."

Admittedly, the said clarification applies to all the three petitioners. The only prayer pressed by the petitioners in the instant cases is that the Lt. Governor of Delhi vide order dated 23rd January, 2014 has approved the pay scales for Librarians and Physical Training Instructors appointed before 01st January, 1996 and not thereafter.

Mr. Naushad Ahmed Khan, learned Addl. Standing Counsel appearing for GNCT of Delhi states that since the AICTE's recommendations have been accepted by the Government, the order with regard to the petitioners shall be issued in accordance with the AICTE's notification within a period of eight weeks. He also states that the steps will be taken in accordance with the order dated 3rd July, 2015 passed in Cont. Cas. (C) 24/2015.

The statements made by Mr. Naushad Ahmed Khan are accepted by the Court and respondent is held bound by the same.

Recording the aforesaid undertaking, the present contempt petitions and applications are disposed of.


MANMOHAN, J

JULY 15, 2015

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