

\$~1

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

+ LPA 724/2016

PROF SACHIN MAHESHWARI

..... Appellant

Through Mr. Tarkeshwar Nath, Mr. P.K. Mishra
and Mr. B.K. Pandey, Advocates

versus

NETAJI SUBHAS INSTITUTE OF TECHNOLOGY..... Respondent

Through Mrs. Avnish Ahlawat, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

% **24.12.2016**

CM.APPL48136/2016(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 724/2016 & CM.APPL 48135/2016(stay)

Aggrieved by the order dated 22.12.2016 passed by the learned Single Judge by which while issuing notice in the writ petition, interim stay of the impugned advertisement dated 30.11.2016 has been declined, has led to the filing the present petition.

The appellant herein is a Professor having joined the Netaji Subhas Institute of Technology(NSIT) in the year 1998 as a Lecturer, was selected to the post of Assistant Professor in the year 2000 and thereafter is serving the Institute as a Professor since April 2007. The appellant is aggrieved by the advertisement published on 30.11.2016 for the post of Director, Netaji Subhas Institute of Technology (NSIT). Appellant is more particularly aggrieved by the qualification which has been prescribed, *i.e.*, minimum 10 years as Professor/equivalent as eligibility criteria and certain other variations in the advertisement which are stated to be against the AICTE guidelines and regulations.

Ms. Ahlawat, learned counsel for the respondent who appears on an

advance copy submits that the AICTE guidelines have only prescribed the minimum criteria and having regard to the nature of the post, a decision was taken at the highest level to fix the criteria for the post. Counsel also points out that for the post of Director/Principal as per the Office Order of Government of NCT of Delhi dated 29.07.2010 is in the Pay Band of Rs.37400-67000, whereas the pay scale of Director to be appointed by the respondent in the present case is Rs.67000-79000/-, which is of a higher pay scale and accordingly it was decided to fix a higher level of experience of a candidate, *i.e.*, at least 10 years working as a Professor. Ms. Ahlawat has also produced the original record. Ms. Ahlawat contends that a Bill has been passed for upgrading the present Institute into a University and the Director so appointed is likely to be the first Vice Chancellor. This is also one of the reasons for change in criteria.

We have heard the learned counsel for the parties. We may note that the AICTE has not been impleaded as a party. Mr. Nath submits that he would move an appropriate application before the learned Single Judge. Having regard to the submissions made, we find no infirmity in the order passed by the learned Single Judge. Notice has already been issued in the writ petition. However, the order of the learned Single Judge is modified to the extent that any appointments so made, shall be subject to the final order which may be passed in the writ petition.

The appeal and the application stand disposed of.

G.S.SISTANI, J

SANJEEV SACHDEVA, J

DECEMBER 24, 2016

pst
LPA 724/2016