

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

Date of Decision: December 13, 2017

+ **W.P.(C) 8259/2017**

DR. RITA BANERJEE Petitioner

Through: Mr.Anupam Srivastava and Mr.Dhairya
Gupta, Advocates

versus

JAWAHARLAL NEHRU UNIVERSITY Respondent

Through: Mr.Kushal Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Respondent's Executive Council's Resolution of 30th June, 2017 (*Annexure-F*) and its letter of 14th August, 2017 (*Annexure-E*) are impugned in this petition by the petitioner, who has not been called for the interview for promotion from Stage-4 Associate Professor category to Stage-5 Professor/equivalent cadres category as mentioned in Table-II (A) of Appendix-III, UGC Regulations, 2010.

2. It is evident from the Executive Council's Resolution of 30th June, 2017 (*Annexure-F*) that petitioner's case was considered for promotion to Stage-5 but it was deferred for being reconsidered after three months. Instead of considering petitioner's case for promotion after three months,

respondent vide Communication of 14th August, 2017 (*Annexure-E*) has relied upon Executive Council's Resolution of 30th June, 2017 (*Annexure-F*) and has deferred the case of petitioner alongwith two others, to be reassessed after a minimum period of one year, in view of UGC Regulations, 2010.

3. Upon hearing and on perusal of Executive Council's Resolution of 30th June, 2017 and respondent's Communication of 14th August, 2017 (*Annexure-E*) and the material on record, I find that a candidate's re-assessment for promotion can be deferred for a minimum period of one year, only if such a candidate does not fulfil the minimum criteria as provided in Tables-II (A) and II (B) to *the UGC Regulations, 2010* or in the eventuality of such candidate obtaining less than 50% marks in Expert Assessment.

4. It is evident from the counter affidavit filed by respondent-University that petitioner's case for promotion was deferred for three months without giving any specific scores in its assessment. This Court is constrained to observe that neither in impugned Communication (*Annexure-E*) nor in the counter affidavit filed by respondent-University, it is clarified as to why petitioner's case has been deferred for a minimum period of one year. This assumes importance in view of the fact that petitioner is to retire on 31st May, 2018. It is apparent from respondent-University's counter affidavit that petitioner's eligibility is not in question and the score in the Expert Assessment is relevant. Since the reason for deferment for one year is not forthcoming, therefore, respondent-University is directed to consider petitioner's case for promotion within four weeks from today and convey its outcome to petitioner within two

weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

5. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 13, 2017

r/s

