

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

Date of Order: January 24, 2018

+ **W.P.(C) 705/2018 & CMs 3030-31/2018**

RAMBIR

..... Petitioner

Through: Mr. Joby Varghese, Mr. Apurv
Chandola and Mr. Nishant Rai, Advocates

versus

JAWAHARLAL NEHRU UNIVERSITY AND ANR.

.....Respondents

Through: Ms. Monika Arora, CGSC and Mr.
Kushal Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is a Professional Assistant in respondent-University, who had sought promotion to the post of Assistant Librarian and as per recommendation of Departmental Promotion Committee (*for short* 'DPC') of 14th September, 2017 (*Annexure P-1*), petitioner was not considered for promotion for the reason that he did not fulfil the eligibility criteria.

2. Petitioner claims to be a Scheduled Caste candidate and according to petitioner's counsel, one post of Scheduled Caste category is still vacant, but is likely to be filled up soon by convening a DPC without any

notice to petitioner. Learned counsel for petitioner submits that petitioner is eligible to be considered for promotion to the post of Assistant Librarian. Attention of this Court is drawn to the Rules relating to Recruitment to Non-Teaching post (*Annexure P-2*) to assert that petitioner is having equivalent qualification and claims to parity with *Smt. Mamta Rani*, *Smt. Ganga Thapliyal* and *Smt. Shashi Bala Saini*. In this regard, attention of this Court is drawn to RTI information (*Annexure P-12*). Learned counsel for petitioner submits that Representation (*Annexure P-15 colly.*) was made on 15th November, 2017, but no response has been received.

3. Upon hearing, I find that petitioner's Representation (*Annexure P-15 colly.*) is in form of a complaint and RTI reply (*Annexure P-15 colly.*) does not disclose as to how petitioner is not eligible for being promoted to the post of Assistant Librarian.

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to make a concise Representation to first respondent within a week from today, indicating as to how petitioner is eligible for promotion to the post of Assistant Librarian on the basis of equivalent qualification. Upon receiving such a Representation, respondent No.1 shall pass a speaking order thereon within a week, disclosing as to how petitioner is eligible/ineligible for being considered for promotion to the post of Assistant Librarian. The fate of the Representation be made known to petitioner within two days thereafter. Till the fate of petitioner's Representation is made known to

him, *status quo* as of today in respect of post of Assistant Librarian in the reserved category i.e. Scheduled Caste Category, be maintained by respondents.

5. With aforesaid directions, this petition and the applications are disposed of.

Dasti to counsel for the parties.

(SUNIL GAUR)
JUDGE

JANUARY 24, 2018

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