

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

Date of Order: January 31, 2018

+ **W.P.(C) 877/2018 & CM 3719/2018**

TAHIR HUSSAIN

..... Petitioner

Through: Mr. Prithu Garg, Mr. Abhay Pratap
Singh and Mr. Siddharth Mehta, Advocates

versus

JAWAHARLAL NEHRU UNIVERSITY & ORSRespondents

Through: Ms. Monika Arora, CGSC and Mr.
Kushal Kumar, Advocate for respondent-JNU

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned Notification of 6th October, 2017 (*Annexure P-1*) amends the Recruitment Rules of Non-Teaching Posts for Grade 'B' and Grade 'C' of Ministerial and Secretarial Cadre and thereby dispenses with the interview for the said posts. Petitioner had applied for the post of Junior Assistant-cum-Typist way back on 13th November, 2013 and had undertaken Skill Test and Written Test on 25th May, 2016 and as per the Result (*Annexure P-10*) of Written Test held on 25th May, 2016, petitioner has qualified and so, petitioner was waiting for the interview call. Vide another Notification of even date, which is also impugned in this petition, the Advertisements of the years 2013, 2014 and 2015 for

Grade 'B' and Grade 'C' posts have been cancelled while clarifying that these posts would be re-advertized.

2. Learned counsel for petitioner assails impugned Notifications (*Annexure P-1*) on the ground that petitioner has become overage by now and that there is no justification for respondent-University to dispense with the interview and that impugned Notifications seriously prejudice the case of petitioner and many other similarly placed persons. Thus, it is submitted that impugned Notifications deserve to be quashed with direction to respondent-University to hold the interviews in pursuance of Result (*Annexure P-10*) of the Written Test held on 25th May, 2016. Learned counsel for petitioner maintains that any amendment to the Rules relating to Recruitment to Non-Teaching posts require ratification by the Visitor of respondent-University, who is the President of India, and since the amendment to Recruitment Rules does not have the assent of the Visitor of respondent-University, therefore, the interview cannot be dispensed with and respondent-University is required to declare the final result for the Examination in question after holding Interviews. To submit so, attention of this Court is drawn to Sections 8 and 16 of *The Jawaharlal Nehru University Act, 1966*.

3. Since petitioner has not made any Representation to respondent-University, therefore, it is deemed appropriate to dispose of this petition with permission to petitioner to make a concise Representation to respondent-University within a week from today and upon receiving such a Representation, the concerned Authority of respondent-University is required to effectively deal with the Representation and to indicate as to whether any amendment in the Recruitment Rules can be made without

the assent of the Visitor of respondent-University and what is the rationale/logic to dispense with the interview when the selection process has already begun.

4. It has to be also kept in mind while deciding petitioner's Representation as to what would happen to the candidates, who have become overage by now. Let a speaking order be passed on petitioner's Representation within a period of two weeks of receiving it and its fate be conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be. Till the fate of Representation is conveyed to petitioner, impugned Notifications of 6th October, 2017 (*Annexure P-1*) be not given effect to.

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

Copy of this order be given *dasti* to counsel for the parties.

JANUARY 31, 2018

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**(SUNIL GAUR)
JUDGE**