

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

Date of Order: March 05, 2018

+ **W.P.(C) 2014/2018 & CM 8287/2018**

ASHOK KUMAR Petitioner

Through: Mr. Vishrut Raj, Mr. Anubhav
Mehrotra and Mr. Rajesh Gupta, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS Respondents

Through: Mr. Swaroop George, Advocate for
respondent No.1

Mr. Apoorv Kurup and Ms. Ishal Mital,
Advocate for respondent-UGC

Mr. Bhagwan Swarup Shukla, CGSC, Mr. Suraj
Kumar and Mr. Kamal Deep, Advocates for
respondent No.4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. The grievance of petitioner is that he had applied for the post of Reader in the Department of Adult and Continuing Education and Extension and though he was selected, but he was not appointed. In the first round of litigation, respondent-University was called upon not to take final decision till the Visitor decides the Reference made to him by respondent-University regarding appointment on the post in question. Vide Communication of 29th July, 2009 (*Annexure P-2*), a recommendation was made to appoint petitioner on the post of Reader in

Department of Adult and Continuing Education and Extension and accordingly, petitioner was appointed as Reader in the year 2009.

2. To seek promotion from backdate i.e. from November, 2006, petitioner, for the first time, had sent a Representation of 11th January, 2018 (*Annexure P-7*) to respondent and in the said Representation, cancellation of promotion granted to Ms. Shikha Kapoor as a Lecturer (Selection Grade) w.e.f. 24th September, 2006 is also sought. According to petitioner's counsel, Ms. Shikha Kapoor's designation in her salary slips of the year 2012-17 is shown to be that of an Associate Professor. Learned counsel for respondents submits that this petition is hit by delay and laches.

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition while leaving the question of delay and laches open and with direction to first respondent to consider petitioner's Representation (*Annexure P-7*) and pass a speaking order thereon within a period of six weeks and the fate of the Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

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

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 05, 2018

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