

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

Date of Order: March 13, 2018

+ **W.P.(C) 2290/2018 & CM 9499/2018**

DR. VINEET KUMAR AND ORS. Petitioners

Through: Mr. Sarvesh Bisaria and Mr.
Ashish Azad, Advocates

versus

NETAJI SUBHAS INSTITUTE OF TECHNOLOGY AND ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel and Mr. N.K. Singh, Advocate for
respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. The reason put forth in the impugned order of 28th February, 2018 (*Annexure P-2*) to deny promotion to petitioners is that their API score for extending benefits under the Career Assured Scheme (CAS) granted to them in the year 2013 as Associate Professor, was not in order.
2. Learned counsel for petitioners submits that impugned order does not disclose as to on what basis it is so said.
3. This is second round of litigation. In the first round of litigation, respondent-Institute vide order of 3rd January, 2018 (*Annexure P-13*) was directed to convey to petitioners as to why they have not been called for interview for promotional post of Professor.
4. Impugned order is silent on the aforesaid vital aspect and hence, it is set aside. Respondent-Institute is directed to now disclose to petitioners

within a period of six weeks from today as to how the API scores obtained by petitioners under the CAS in the year 2013 were not in order and as to whether on the said ground, petitioners can be denied promotion to the next post i.e. of Professor. Let a speaking order be passed and petitioners be apprised within the above stipulated time by respondent-Institute justifying denial of promotion to petitioners. Such a course be adopted so that petitioners may avail of the remedies as available in law, if need be. It is made clear that if the interview process for the said post is to be concluded before intimating petitioners in terms of this order, then petitioners also be called for the interview. However, the result of the interview be kept in a sealed cover for a period of twelve weeks from today.

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

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

(SUNIL GAUR)
JUDGE

MARCH 13, 2018

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