

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 09, 2018
+ **W.P.(C) No. 4957/2018 & CM APPL. Nos. 19138-19139/2018**
+ **WP. (C) No 4996/2018 & CM APPL. Nos. 19258-59/2018**

DR PRITI BANSAL
APOORVI SOOD

..... Petitioners

Through: Mr. Chetan Sharma, Sr. Advocate
with Mr. Avinash Sharma and Mr.
Amit Gupta, Advocates

Versus

NETAJI SUBHAS INSTITUTE OF TECHNOLOGY
AND ORS.

... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel, GNCTD with Mr. N.K.
Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the above captioned two petitions, the grievance made is of petitioners' being appointed on contractual basis instead of their being appointed on regular basis.
2. With the consent of learned counsel for the parties, the above captioned two petitions have been heard together and are being disposed of by a common order.
3. In pursuance to Advertisement (Annexure P-2) issued in November, 2012, petitioners had applied for the post of Assistant

Professors, Information Technology and upon their selection, they were offered the appointment on the post of Assistant Professors, Information Technology on contract basis. Thereafter, petitioners vide Representation of 18th February, 2015 (Annexure P-12) had requested the respondent-Institute to treat petitioners' appointment as a regular appointment.

4. Learned Senior counsel for petitioners submits that since there was no response to petitioners' various representations, therefore, first petitioner had no option except to make a Representation (Annexure P-22) to the Deputy Chief Minister to the Govt. of NCT of Delhi on 29th September, 2016.

5. Respondent-Institute vide office note of 4th January, 2018 (Annexure P-30) has adverted to the joint representations made by the petitioners on 18th February, 2018 (Annexure P-12) and has clarified that the advertisement in question was meant for regular appointment and in the said Advertisement, there was no mention of any appointment on contract basis and the petitioners did not object to the contractual appointment. Impugned office note of 4th January, 2018 (Annexure P-30) is assailed on the ground that it nowhere deals with the stand taken by petitioners in their Representation (Annexure P-12) about many appointments being made on regular basis by same selection Board for the same post.

6. Learned counsel for the respondent-Institute points out that in the impugned office order (Annexure P-30), it has been clarified that the Selection Committee had recommended the appointment of five selected

candidates on regular basis and of thirteen such candidates on contractual basis.

7. It is evident from '*Department-Wise Details of Candidates selected to the post of Assistant Professors*' (Annexure P-11) that out of the seven candidates selected for the post of Assistant Professors, Information Technology, three of them have been recommended for being appointed on regular basis, whereas the remaining four have been recommended for being appointed on contractual basis.

8. During the course of hearing, it has been brought to the notice of this Court by learned Senior counsel for petitioners that a memo was issued to petitioner- *Dr. Priti Bansal* regarding making of Representation (Annexure P-24) to the Deputy Chief Minister and attention of this Court has been drawn to the explanation (Annexure P-28) furnished by petitioner wherein she has stated that she was unaware of the CCS (Conduct) Rules, 1964 and she has assured that in future, she would abide by the CCS (Conduct) Rules.

9. Learned Senior counsel for petitioner submits that an RTI Query (Annexure P-6) was made to respondent-Institute to disclose as to what was the criteria for selection of permanent staff and the contractual staff and as per the RTI Reply (Annexure P-8), no such record exists in the establishment branch. To say the least, there is no proper response to the RTI Query (Annexure P-6).

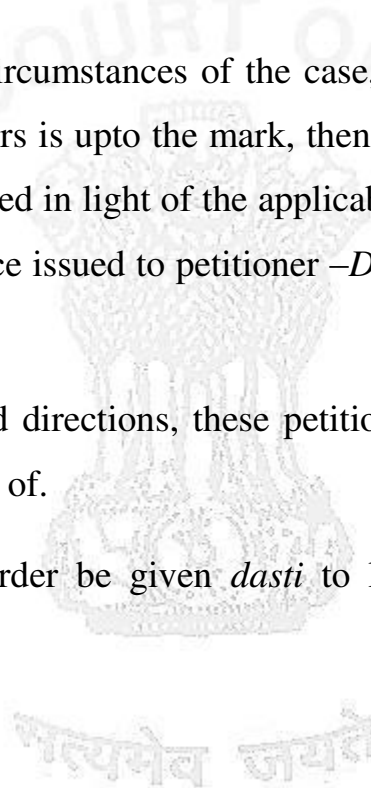
10. In the facts and circumstances of this case, it is deemed appropriate to dispose of these petitions and the applications with permission to

petitioners to make a fresh concise Representation within a one week. Upon receipt of such Representation, respondent-Institute shall pass a speaking order thereon, to clarify as to how some appointments were made on regular basis and some appointments on contractual basis and it be so done within a period of eight weeks and the fate of such Representations be conveyed to petitioners within a week, thereafter, so that petitioners may avail of the remedy as available in law, if need be.

11. In the facts and circumstances of the case, it is made clear that if performance of petitioners is upto the mark, then their case for extension of their term be considered in light of the applicable rules and regulations and the show cause notice issued to petitioner –*Dr. Priti Bansal*, may not be proceeded with.

12. With the aforesaid directions, these petitions and the applications are accordingly disposed of.

A copy of this order be given *dasti* to learned counsel for the parties.

 (SUNIL GAUR)
JUDGE

MAY 09, 2018
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