

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

Date of Order: May 15, 2018

+ **W.P. (C) 9757/2016 & CMs 38983/2016, 45202/2016, 9322/2017
& 46786/2017**

+ **W.P. (C) 9758/2016 & CMs 38985/2016, 38986/2016,
45213/2016, 9323/2017 & 46787/2017**

+ **W.P. (C) 9760/2016 & CMs 38989/2016, 45205/2016, 9321/2017
& 46781/2017**

+ **W.P. (C) 9814/2016 & CMs 39089/2016, 45203/2016, 9327/2017
& 46784/2017**

+ **W.P. (C) 9861/2016 & CMs 39244/2016, 45201/2016, 9324/2017
& 46782/2017**

+ **W.P. (C) 9956/2016 & CMs 39553/2016, 45206/2016, 9325/2017
& 46882/2017**

+ **W.P. (C) 6300/2017 & CMs 26111/2017 & 46788/2017**

MOHD. ISMAIL KHAN
MOHD. ZAKI AHMAD
SHAILESH KUMAR SAXENA
APARNA TICKOO BHAT
KUMUD BEHARI SINHA
MOHD. AZAM SHIBI
SHAMIM AHMED

.....Petitioners

Through: Mr. S.K. Rungta, Senior Advocate
with Mr. Prashant Singh and Mr. Shivankur
Shukla, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS.

....Respondents

Through: Dr. Amit George, Mr. Rishabh
Dheer, Mr. Swaroop George and Ms. Rajsree
Ajay, Advocates for respondent No.1-JMI
Mr. Arnav Kumar, Advocate for respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. With the consent of learned counsel for the parties, the above-captioned eight petitions have been heard together and are being disposed of by this common order.

2. Respondent-University vide impugned Communication of 13th May, 2016 has advised the Director, State Resource Centre in Jamia Millia Islamia University, New Delhi to restrict the salary of State Resource Centre's staff to the grant received from the Ministry of Human Resource Development as any further payment from respondent-University will not be made to State Resource Centre. The challenge to impugned Communication by learned senior counsel for petitioners is on the basis of 'appointment letter' issued to petitioners, which contains the following clause: -

"The place of your duty will be the State Resource Centre, Jamia Millia Islamia at present but you may be required to serve in any department/institution of the Jamia."

3. During the course of hearing, it is brought to the notice of this Court by learned senior counsel for petitioners that petitioners are not

getting the salary from May, 2016 onwards, which is in complete violation of the Service Rules and a direction is sought to respondent-University to pay the salaries to petitioners.

4. On the contrary, learned counsel for respondent-University places reliance upon this Court's order of 3rd April, 2018 in W.P. (C) 133/2016 titled *Nilofer Rizvi v. Jamia Millia Islamia and Ors.*, to submit that the role of respondent-University is minimal and the question of payment of salary, etc., is to be considered by the Director, State Resource Centre.

5. Attention of this Court is drawn to the *Guidelines for Management, Planning and Operation of the State Resource Centres (Annexure-C)* and also to the counter-affidavit filed by respondents. Attention of this Court is also drawn to *Guidelines on the Revised Pattern of Financial Assistance to State Resource Centres (Annexure R-1/2 colly. to the counter affidavit filed by respondent-University)*.

6. Upon hearing and on perusal of impugned Communication, the two Guidelines referred to above, the material on record and in particular, the order of 3rd April, 2018 in *Nilofer Rizvi (supra)*, I find that non-availability of funds was also an issue in case of *Nilofer Rizvi (supra)* and in the said case, reference to Guidelines was made and upon consideration of the Guidelines, this Court deemed it appropriate to issue a mandamus to Director, State Resource Centre in question to effectively consider the grievance of petitioner.

7. In the facts and circumstances of this case, I find no reason to take a different view than the one taken by me in *Nilofer Rizvi (supra)*. Consequently, these petitions and the pending applications are disposed

of, with a mandamus to Director, State Resource Centre in question to pay the salary of petitioners out of the Development Fund in terms of the *Guidelines for Management, Planning and Operation of the State Resource Centres (Annexure-C)* issued by National Literacy Mission, Ministry of Human Resource Development, within a period of eight weeks from the date of receipt of this order and if the needful is not done, then petitioners be intimated within two weeks thereafter, as to what is the impediment in not releasing the arrears of salary and current salary to petitioners, so that petitioners may avail of the remedies as available in law, if need be. It is so directed as the '*appointment letters*' of petitioners entitles them to arrears of salary as well as the current salary till the State Resource Centre in question is functioning. Needless to say that the service conditions of petitioners shall be governed by the Ordinance XVIII (*Annexure-G*) issued by respondent-University.

8. The Director of State Resource Centre in question be apprised of this order forthwith, to ensure its compliance.

9. With aforesaid directions, these petitions and the pending applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 15, 2018

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