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

+ **W.P.(C) 11994/2018 & CM APPL.46452-53/2018**

SMT. NEERA JAIN

..... Petitioner

Through : Mr.O.P.Agarwal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through : Mr.Akshay Makhija, CGSC with Mr.Ankit Tyagi , Advocate, for R-1 and 2.
Mr.S.B.Satija, Advocate, for R-3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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15.11.2018

Issue notice.

Mr.Akshay Makhija, CGSC accepts notice on behalf of respondents No.1 and 2 and Mr.S.B.Satija, Advocate, accepts notice on behalf of respondent No.3.

Vide the present petition, the petitioner seeks direction thereby directing the respondents No.1 & 3 for convening the DPC to fill-up the vacant posts of Chief Editor and Joint Director as earliest as possible as it is vacant since 31.03.2014.

With the consent of the learned counsel for the parties, this petition is taken up for final disposal.

Learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the DO letter dated 17.04.2018

written by the Chairman of National Book Trust to the Secretary, Department of Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi whereby it was stated that the Ministry has not sent any communication to the issue raised in DO letter dated 17.10.2017 for the last more than five months and accordingly it is felt that the Ministry is satisfied from the reply sent by the Chairman, NBT (National Book Trust). Therefore, the NBT has not decided to constitute a DPC in accordance with the details of the Recruitment Rules as mentioned by the Ministry in their letter dated 10.10.2017 and to convene the DPC meeting on 18.05.2018 for the post of Chief Editor and Joint Director, with a request that the Ministry may communicate the name of its representative as one of the members for the DPC preferably in the grade of Director/Joint Secretary.

Learned counsel appearing on behalf of respondents No.1 and 2 submits that the NBT has to convene the DPC and when they convey the date of the DPC, the aforesaid mentioned respondents shall send one of their representative.

Learned counsel appearing on behalf of respondent No.3 has drawn the attention of this Court to the letter dated 29.09.2017 (Annexure P-23) sent by the Director of NBT, India to the Under Secretary (BP), Ministry of Human Resource Development whereby stating as under:

*“Sub: Promotion to the post of Chief Editor and Joint Director,
NBT- regarding*

Sir,

This has reference to the Ministry's letter No.11-5/2017-

BP dated 29.09.2017 addressed to the Chairman, NBT and copy forwarded to the Director, NBT on the above subject.

It has been directed by the Ministry that NBT may proceed with the DPC for the post of Chief Editor and Joint Director, NBT, within the norms stipulated in the BNBT and also within the norms of transparency.

It is being brought to the knowledge of the Ministry that revised Recruitment Rules are pending with the Ministry since 2015 and as the Ministry is already cognizant of the facts that RRs has to be revised. Revised RRs are pending for approval. The filling of the vacancy in the NBT shall be under which norms i.e. revised RRs or the norms existing as on date; but it has been decided way back in 2015 that RRs has to be revised which got the concurrence of the Ministry and suitable modifications were done at the instance of the Ministry then the RRS after modification have been submitted for approval.

Therefore, it will be wiser that revised RRS shall be given approval and the vacancy shall be filled up under the revised RRS.

Copy of the Note submitted to the Chairman, NBT in this regard is enclosed herewith for your kind reference.”

Learned counsel further submits that he has no instructions whether the Ministry of Human Resource Development has taken decision on the letter dated 29.09.2017 and without the decision taken by the said Ministry the DPC cannot be convened.

In view of the letters mentioned above written by the NBT to the Ministry, I hereby dispose of the present petition directing the respondents No.1 and 2 to take the decision on the letter dated 29.09.2017 sent by the Director of NBT, India to the Under Secretary

(BP), Ministry of Human Resource Development within four weeks from today, if already not taken the decision.

I further direct that after the decision, if already not taken by the Ministry, the NBT shall convene the DPC within four weeks thereafter for the posts of Chief Editor and Joint Director.

In view of the above, the present petition is disposed of.

SURESH KUMAR KAIT, J.

NOVEMBER 15, 2018/sa