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

Date of decision: 20.08.2019

+ **W.P.(C) 8518/2019 with CM APPLs. 37171/2019, 35150-51/2019**

MANISHA PRIYADARSHINI

..... Petitioner

Through: Ms. Perna Priyadarshini, Mr. Kush
Chaturvedi and Ms. Priyashree
Sharma, Advs.

versus

SRI AUROBINDO COLLEGE –
EVENING & ORS.

..... Respondents

Through: Mr. Rajinder Dhawan and Mr. B.S.
Rana, Advs. for R-1 & 2
Mr. Mohinder J S Rupal, Ms. Aditi
Shastri and Mr. Prang Newmai,
Advs. for University of Delhi

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioner seeks directions thereby quashing the impugned letter of termination dated 29.05.2019 issued by the respondent No. 1-college and direct the respondent No. 1 to reinstate the petitioner to the post of Assistant Professor on Ad-hoc basis from 20.03.2019.

2. Case of the petitioner is that he has been employed by the University of Delhi on Ad-hoc basis since 2013. She has completed tenure of more than 5 years with the University of Delhi of which tenure of four and a half years are at Sri Aurobindo – Evening College.
3. The petitioner was appointed on 07.08.2013 on Ad-hoc basis as an Assistant Professor, Department of English in Miranda House, University of Delhi for a period of 4 months. On 07.01.2014, the petitioner was further employed as an Assistant Professor, Department of English, on Ad-hoc basis in Janki Devi Memorial College, University of Delhi for a period of 1 month 17 days. On 25.04.2014, the petitioner was further employed on Ad - hoc basis as an Assistant Professor, Department of English in Kamala Nehru College, University of Delhi for a period of 2 months 5 days. On 20.08.2014, the petitioner was then employed on Ad-hoc basis as an Assistant Professor, Department of English in the respondent-college and continued to work on Ad-hoc basis till 21.01.2019 when she proceeded to go on her maternity leave, after which the college in a wholly illegal and mala fide manner sought to remove the petitioner from the rolls of the college.

4. Learned counsel for the petitioner submits that in view of the regular renewal of the contract on behalf of the petitioner by the respondent No. 5-college, this is the petitioner's 5th year at the institution, of which four and a half academic years have been successfully completed. So far, the contract which has a specific term of 4 months each has been continuously renewed from 2014-2019, after a working day's break, till the end of every academic session. The last contract was renewed on 19.11.2018 till 18.03.2019.
5. Learned counsel for petitioner further submits that the petitioner is the senior most Ad-hoc Assistant Professor in the respondent-college and as she was expecting her first baby, the petitioner sent a representation for Maternity leave and whatever benefit she is entitled under the Maternity Benefit Act, 1961 through the Principal of the respondent - college, as her expected delivery date was 22.02.2019, for which she was required to go to her native town of Chhapra, Bihar, where her mother is a practicing gynaecologist, for preventive measures as there were minor complications with her pregnancy.
6. The petitioner sent request for maternity leave from 21.01.2019 to 24.05.2019 to which there was no response. Thereafter, the petitioner

filed W.P.(C) No. 3610/2019, challenging the arbitrary action of the respondents in denying her the statutory maternity benefits guaranteed under the Constitution and Maternity Benefit Act, 1961 which is pending adjudication.

7. Admitted fact in the petition is that the contract of the petitioner with the respondent-college is from 19.11.2018 to 18.03.2019. Whether the petitioner shall get the benefit of the maternity leave or not, is not the subject matter of the present writ petition. The petitioner vide the present petition is seeking direction thereby directing the respondents to reinstate her in service and set aside the letter dated 29.05.2019, wherein the respondent-college has stated that the petitioner is no more on the rolls of the respondent-college.
8. The communication dated 29.05.2019 is pursuant to the e-mail dated 27.05.2019 sent by the petitioner and accordingly, the respondent - college informed the petitioner that she was appointed as Assistant Professor purely on Ad-hoc basis vide letter dated 19.11.2018, with effect from 19.11.2018 till 18.03.2019. The said tenure has already ended on 18.03.2019 and therefore, the petitioner is not on the rolls of the respondent - college after 18.03.2019.

9. Since, it is an admitted case of the petitioner that her contract with the respondent - college was with effect from 19.11.2018 to 18.03.2019, therefore, no question arises for allowing the petitioner to resume her duties unless the period of contract is extended by the college.
10. In view of the above stated facts, this Court is of the considered opinion that there is no merit in the present petition. The same is accordingly dismissed *in limine*. Pending applications also stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

August 20th, 2019
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