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

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**Date of decision: 21.08.2020**

+ **W.P. (C) 4758/2020 and CM 17171/2020**

**SADAF SARWAR** ..... Petitioner

Through **Mr. R.K. Saini, Advocate**

versus

**JAMIA MILLIA ISLAMIA & ANR.** ..... Respondents

Through **Mr. Fuzail Ayubbi, Standing  
Counsel**

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**JYOTI SINGH, J. (ORAL)**

1. Hearing has been conducted through Video Conferencing.
2. Present writ petition was filed by the Petitioner seeking setting aside / quashing of the decision of the Respondents abolishing six posts of the Assistant Accountants, including that of the Petitioner, in the Centre for Distant and Open Learning (CDOL) under the Jamia Millia Islamia (JMI) University. Filing of the writ petition was triggered on account of a WhatsApp message received by the Petitioner on 27.07.2020. Vide order dated 30.07.2020 this Court had restrained the Respondent Nos. 1 and 2 from dispensing with the services of the Petitioner.
3. Counter Affidavit has been filed on behalf of Respondent Nos. 1

and 2. It is fairly stated in the Counter Affidavit that the Executive Council (EC) of the University, which is the decision making body of the University, in its meeting dated 26.06.2020, has adopted the University Grants Commission (Open and Distance Learning) Regulations, 2017, necessitating a change in the qualification vis-à-vis the staff of CDOL-JMI and resolved that the existing manpower already created / sanctioned so far in CDOL from 2012 to 2017 or thereafter by VC / EC order will be abolished as they are not in accordance with UGC Norms/ qualification, etc. It is further stated that the Resolution passed by the EC, in no manner, observed that the incumbent staff presently working at the CDOL shall be abolished in violation of the contracts of employment, but has merely decided to abolish the manpower sanctioned and create new posts in compliance with the University Grants Commission (Open and Distance Learning) Regulations, 2017.

4. It is further stated in the Counter Affidavit that the University has not issued any direction for termination of any of the employees pursuant to the EC Resolution till date and the matter to implement the decision is still under consideration and the terms and conditions of the contract of the employees will be taken care of.

5. In pursuance to the above, the Honorary Director, CDOL has already written a letter to the Registrar, JMI on 26.07.2020 requesting that the terms and conditions mentioned in the original Appointment Letter should be taken into consideration when the decision is finally taken. Paras 3 and 4 are relevant as they relate to the issue of WhatsApp

message which has necessitated filing of the Petition and are extracted hereunder :-

*“3. That the Petitioner and other staff posted in the Accounts Section of CDOL are still working and performing their duties on regular basis and the University has not issued any Office Order till date in regard to terminating / discontinuing the services of the Petitioner.*

*4. That the University has taken serious note of the “Whatsapp message” which was circulated purportedly at the behest of Respondent No.2, accordingly explanation has been sought from the concerned authority regarding the same.”*

6. Mr. Ayyubi learned counsel for Respondent Nos. 1 and 2 submits on the basis of the stand taken by Respondent Nos.1 and 2 in the Affidavit that Respondents are not contemplating dispensing the services of the Petitioner and the petition can be disposed of in terms of the assurance given in the Affidavit.

7. Mr. Saini submits that in view of the stand taken by Respondent Nos. 1 and 2, the grievance of the Petitioner stands redressed.

8. In view of the fair stand taken by Respondent Nos. 1 and 2 in the Affidavit, in my view no further orders are required to be passed in the present petition.

9. At this stage, Mr. Saini submits that the salary of the Petitioner for the month of July, 2020 has not been disbursed till date. Mr. Ayyubi submits that needful shall be done within a period of one week from today.

10. Petition along with the application filed herewith, is disposed of.

11. The Court appreciates the fair stand taken by Respondent Nos. 1 and 2 and learned counsel Mr. Ayyubi, representing them.

**JYOTI SINGH, J**

**AUGUST 21, 2020**

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