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

\+ W.P. (C) 4847/2020 & CM APPLs. 17484-17488/2020

DR. D.S. SHANKAR ..... Petitioner
Through: Mr.K.K.L. Gautam, Advocate.

versus

UNION OF INDIA
THROUGH ITS SECRETARY & ORS. ..... Respondents
Through: Ms.Shiva Lakshmi, Advocate for UOI.
Mr.Ashok Kumar Panigrahi, Advocate for NCERT.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **04.08.2020**

C.M. No.17484-17488/2020

Exemption allowed, subject to all just exceptions.

Accordingly, the applications stand disposed of.

W.P.(C) No.4847/2020

The petition has been listed before this Bench by the Registry in view of the urgency expressed therein. The same has been heard by way of video conferencing.

Present writ petition has been filed challenging the order dated 27th November, 2018 passed by respondent no. 3 whereby the petitioner's services have been terminated. Petitioner also seeks stay of the advertisement dated 29th June, 2020 issued by respondent No.3 for filling up posts of Professor,

Associate Professor and Assistant Professor (Zoology).

Learned counsel for petitioner submits that this Court in ***NCERT & Anr. Vs. Surinder Nath & Anr., RSA No. 15/1991*** dated ***4th June, 2010*** has held that the Director NCERT is neither an appointing authority nor a disciplinary authority within the meaning of Rule 2(a) and Rule 2(g) of CCS (CCA) Rules and he has not been delegated any authority by the respondent-Council to appoint or impose major penalty upon Senior Assistant Professor like the petitioner, who is a Class I officer of the respondent-Council.

Per contra, learned counsel for respondent no.4 – Director, NCERT submits that the Supreme Court in Civil Appeal No.7563/2011 has set aside the judgment in RSA No.15/1991 dated 04th June, 2010 relied upon by learned counsel for the petitioner.

Having heard learned counsel for the petitioner, this Court is of the view that it would be against public interest to stay the appointment of Professor, Associate Professor and Assistant Professor in the field of Zoology. Further, there is no prayer in the writ petition to challenge the interim order dated 16th July, 2019 passed by the Central Administrative Tribunal (hereinafter referred to as the 'CAT').

A perusal of the paper book also reveals that a number of criminal proceedings have been filed either by the petitioner or by the respondents against each other. Consequently, it is not possible to take a view with regard to these allegations in a writ petition.

Moreover, as the petitioner's petition before CAT is pending, this Court disposes of the present writ petition by directing the CAT to decide the petitioner's petition as expeditiously as possible.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

AUGUST 04, 2020
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