

\$~13.

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

% *Decided on: 3rd February, 2021.*

+ W.P.(C) 5564/2020 & C.M.No.22811/2020 (stay)

SAMVIDHAN BACHAO TRUST (REGD.) & ANR Petitioner

Through: Mr.Ashok Kumar Sharma, Sr.Adv.
with Mr.Kshitij Mudgal, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Chetan Sharma, ASG with
Mr.Vikas Mahajan, CGSC and Mr.Amit Gupta,
Mr.R.V.Prabhat, Mr.Sahaj Garg, Mr.Anish Roy,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. This public interest litigation has been preferred with the following prayers:-

“a) *Pass an order thereby directing stay of the operation of Corrigendum No. AIIMS /Rbl/ Admin/ Faculty/ Rectt/ 2020-21/ 956 dated 24.08.2020 (Annexure A-3) and Corrigendum No. AIIMS /Rbl/Admin/ Faculty/ Rectt/ 2020-21/ 990 dated 07.09.2020 (Annexure A-5) and any*

consequent action(s) sought to be taken by the Respondents in lieu thereof; AND

- b) Pass an order directing the Respondents to not hold interviews for 23 posts reserved for Scheduled Castes, 11 posts for Scheduled Tribes, 42 posts of Other Backward Classes and 15 posts of Economically Weaker Sections AND/OR*
- c) Pass any other/further order as this Hon'ble Court may deem fit and proper. ”*

2. Having heard learned counsels for the parties and looking to the counter affidavit filed by respondent Nos.1 to 4, especially paragraphs 4, 12, 13 and 28 thereof, it is evident that the grievances ventilated by the petitioner in this writ petition have been redressed.

3. For ready reference, paragraphs 4, 12, 13 and 28 of the said counter affidavit are reproduced hereunder:-

“4. That AIIMS, Raebareli published vacancy circular for filling up 158 vacant posts of faculties vide No.AIIMS/Rbl/Admin/Faculty/2020/01 dated 02.03.2020 and the reservation of posts were done as per the approved roster stated above. The interview for the same were held in phases (03.09.2020 to 05.09.2020 and 14.09.2020 to 18.09.2020) and the result for the same was declared on 21.09.2020. Against the vacant post of 158 faculties, 73 candidates were selected and out of them 37 candidates have already joined their duties in AIIMS, Raebareli and remaining are expected to join, shortly.

xxx

xxx

xxx

12. *That in view of the comments received from Department of Personnel & Training & M/o Education, it is apparent*

that the Central Educational Institutions (Reservation in Teachers' cadre) Act, 2019 is clearly applicable to the All India Institute of Medical Sciences as Institutes of National Importance (INIs) established by an Act of Parliament have been covered under Section 2 (c) (ii) of the said Act.

13. *That AIIMS Raebareli will re-draw the reservation roster after taking into account the DOPT OM No. 36039/1/2019-Estt (Res.) dated 31.01.2019, the notification dated 12.07.2019 issued by Ministry of Human Resource Development (now M/o Education) and the provisions of Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 to AIIMS.*

xxx

xxx

xxx

28. *That in reply to para 28 of the writ petition, it is submitted that in view of the comments received from Department of Personnel & Training & M/o Education, it is apparent that the Central Educational Institutions (Reservation in Teachers' cadre) Act, 2019 is clearly applicable to the All India Institute of Medical Sciences as Institutes of National Importance (INIs) established by an Act of Parliament have been covered under Section 2 (c) (ii) of the said Act. As such, AIIMS Raebareli will re-draw the reservation roster after taking into account the DOPT OM No. 36039/1/2019-Estt (Res.) dated 31.01.2019, the notification dated 12.07.2019 issued by Ministry of Human Resource Development (Now M/o Education) and the provisions of Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 to AIIMS”*

4. Since the relief sought in the present petition has been granted and the prayers of the petitioner have been accepted and redressed by the respondents, no further orders are required to be passed. Needless to state

that the respondents shall take action in terms of the affidavit filed by them.

5. Writ petition is accordingly disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

FEBRUARY 03, 2021
'anb'

