

\$~18 (2021)

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

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Date of decision: 06.12.2021

+ **LPA 462/2021, CM APPL. 43635-37/2021**

IRA KHATUN

..... Appellant

Through : Ms. Palak Gupta, Advocate.

versus

DIRECTOR (A & F) INDIAN COUNCIL OF PHILOSOPHICAL
RESEARCH (ICPR) AND ORS

..... Respondents

Through : Mr. Apoorv Kurup, Mr. Ojaswa
Pathak and Ms. Nidhi Mittal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: (ORAL)

1. This appeal is directed against the judgment of the learned single judge, dated 09.07.2021, passed in W.P.(C) 2921/2021.

2. Ms. Palak Gupta, who appears on behalf of the appellant, assails the judgment dated 09.07.2021 on the ground that respondent no.1 keeps dithering on the applicability of the Recruitment Rules qua the subject post, which required 10 years' experience in teaching or research administration.

2.1. According to Ms. Gupta, in 2018, another similarly placed candidate i.e., one Pooja Vyas was given a pass through, which has been denied to the appellant, even though she was selected for the subject post by the concerned Selection Committee on 17.09.2019. In this behalf, the relevant part of the minutes of the meeting of selection committee qua recruitment to the subject post, is extracted hereafter:

Signature Not Verified

Digitally Signed By: MAMTA
RANI

Signing Date: 14.12.2021 **LPA 462/2021**

Page 1 of 3

“.....The Screening Committee examined the applications of each candidate and found total Four (04) candidates suitable. Three (03) on direct recruitment basis and one (01) on deputation basis for the post of Director (Planning and Research) on their qualification and experience. The following were shortlisted.

(i)

- 1. Dr. Upendra Kumar (on direct recruitment basis)*
- 2. Dr. Jahira Khatun (on direct recruitment basis)*
- 3. Dr. Biswanath Jena (on direct recruitment basis)*

(ii)

- 1. Dr. Bansidhar Barik (on deputation basis)*

The Committee interviewed the above 04 candidates. Based on the interview and overall performance of the candidates, candidature of Dr. Jahira Khatun was recommended. In accordance to the Recruitment Rules and Regulations for the post of Director (Planning and Research), candidate is required to have experience of ten years of teaching or research administration as per para 7(ii) of amended rules of 30th July, 2001.

In view of the above clause, this committee has felt that there seems certain ambiguity with respect to the teaching/research experience of Dr. Jahira Khatun. Therefore, this may be referred to the Ministry for advice. Further, decision with respect to the appointment to the post of Director (Planning and Research) will be considered/taken after obtaining advice to the Ministry.”

2.2. It is not in dispute that, thereafter, a decision was taken on 15.10.2019 to re-advertise the subject post i.e., the post of Director (Planning and Research), as the process started pursuant to an earlier advertisement, whereby the appellant was selected, was given up.

2.3. It is also not in dispute that the appellant had applied for the subject post against a fresh advertisement, and since she was not found eligible, she was excluded from the process.

3. The learned single judge, in the impugned judgement, has provided the following rationale as to why the case set up in the writ petition [from which the present appeal arises] could not be sustained:

“.....4. The prayers made, by the petitioner in this petition is for her appointment based on the interview held on September 17, 2019. Such a relief cannot be granted for more than one reason; (i) that the petitioner did not have ten years of experience in Teaching or Research Administration which experience is required to be possessed, (ii) despite not having the eligibility, she was called for the interview, for reasons not known, shall not confer any right, in her favour, merely because she was recommended, (iii) in any case, the petitioner though applied against the second advertisement was not found eligible for being considered for the said post which clearly depicts that the petitioner had accepted the decision of the respondents not to give effect to the result of the interview held on September 17, 2019.....”

4. Having perused the record and heard Ms. Gupta, we find that there is no good reason for us to interdict the judgment of the learned single judge.

5. The appeal, according to us, is not sustainable, and is, accordingly, dismissed.

5.1. Consequently, pending applications shall also stand closed.

6. The case file shall stand consigned to record.

(RAJIV SHAKDHER)
JUDGE

(TALWANT SINGH)
JUDGE

DECEMBER 06, 2021/pa

Click here to check corrigendum, if any