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

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Judgment delivered on: 25.05.2022

+ W.P.(C) 8273/2022

DR REETU SINGH

..... Petitioner

versus

NCERT

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vishnu Langawat and Ms. Nidhi Tomar,
Advocates

For the Respondent: Mr. Manish Kumar Saran, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 12.01.2021 whereby the Original Application of the Petitioner had been dismissed.
2. Petitioner was appointed as a Lecturer in History with effect from 19.12.2002 and was posted in the Department of Education in Social Science and Humanities, National Council of Educational Research and Training (NCERT). On 20.12.2005, service of the Petitioner was confirmed on the post of Lecturer with effect from



19.12.2004. Petitioner was promoted to the post of Lecturer (Senior Scale) with effect from 19.12.2006.

3. As per the Petitioner, Petitioner became eligible for promotion to the post of Assistant Professor (Senior Scale) on 19.08.2013. Even though, an interaction for the said promotional post was held on 19.08.2013, the promotion order was issued only on 09.08.2016, with effect from 19.12.2011. Consequently, the Petitioner became an Assistant Professor (Senior Scale) with effect from 19.12.2011.

4. As per the Petitioner, since she was Assistant Professor in third grade with effect from 19.12.2011, she was eligible for moving to the next higher grade i.e. Stage 4 and to be designated as Associate Professor with effect from 19.12.2014. It is contended that Petitioner has not been granted the said promotion. Consequently, Petitioner has approached the Tribunal.

5. Reliance is placed by learned counsel for the Petitioner on Clause 6.4.7 of U.G.C. Regulations, 2010, which read as under :-

“6.4.7 Assistant Professors completing three years of teaching in third grade (stage 3) shall be eligible, subject to the qualifying conditions and the API based PBAS requirements prescribed by these Regulations, to move to the next higher grade (stage 4) and to be designated as Associate Professor.”

6. Perusal of Clause 6.4.7 shows that an Assistant Professor, who has concluded three years of teaching in third grade (Stage 3) would be eligible to move to the next higher grade (Stage 4) and to be designated as Associate Professor subject to the qualifying conditions and the API based PBAS requirements.



7. It is pointed out by learned counsel for the Respondents that Petitioner was on deputation from 07.05.2010 to 25.10.2013 as a Deputy Secretary, National Council for Teachers Education (NCTE) and thereafter she joined back only on 19.12.2014 and thereafter on 07.04.2016, she tendered a technical resignation and joined Malviya National Institute of Technology, Jaipur, though she retained her lien with the Respondent Organization for a period of two years.

8. It is further pointed out that by order dated 11.10.2019, the lien of the Petitioner was terminated with effect from 12.04.2016. Further, the Petitioner has been confirmed on the post of Dy. Registrar with effect from 13.04.2018 in Malviya National Institute of Technology, Jaipur.

9. Tribunal has, *inter alia*, held that the Petitioner did not go on deputation to Malviya National Institute of Technology and it was an independent employment and she had also submitted her resignation. Tribunal has noticed that the Petitioner did not dispute that she was not in active service of the Respondents at the time when she became otherwise due for promotion to Stage 4.

10. As noticed hereinabove, Clause 6.4.7 of UGC Guidelines contemplates the completion of three years of teaching in third grade before an Assistant Professor can become eligible for the next Higher Grade and being designated as Associate Professor.

11. Petitioner was on deputation till 19.12.2014 and thereafter once again left the services of the Respondent on 07.04.2016. Consequently, Petitioner did not complete three years of teaching in third grade (Stage 3) and as such we are of the view that Petitioner



does not satisfy the requirements of Clause 6.4.7 and was not eligible to move to the next higher grade or to be designated as Associate Professor.

12. We also do not find any infirmity in the view taken by the Tribunal. Consequently, we find no merit in the petition.

13. Petition is accordingly dismissed. There shall be no orders as to costs.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

MAY 25, 2022

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