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

+ **CONT.CAS(C) 778/2024**

RAKESH KUMAR

..... Petitioner

Through: Mr. V. Shashank Kumar, Adv.
M: 9910800508

versus

PROF SANTISHREE DHULIPUDI PANDIT AND ANR.

..... Respondents

Through: Ms. Ginny J. Rautray and Mr.
Ranvijay Singh, Advs.
M: 9811287117

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.05.2024

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1. The present petition has been filed alleging willful disobedience of the judgment dated 29th February, 2024 passed in W.P.(C) No. 16692/2023, which was disposed of in the following terms:

“xxx xxx xxx

9. She submits that so far as the post of Junior Assistant is concerned, the petitioner can also be considered along with other eligible candidates for the post of junior assistant. Learned counsel submits that subject to fulfilling all conditions and eligibility, the petitioner would be surely considered along with the other candidates.

10. In view of above, binding the department to the statement given by Ms. Rautray, the petition is disposed of directing the respondent to consider the name of the petitioner for the purposes of the post of Junior Assistant and if found fit and eligible issue appropriate appointment letter within four weeks from today.

xxx xxx xxx”



2. The present petition had come to be filed, as it is the case of the petitioner that despite clear directions, the case of the petitioner has not been considered along with the eligible candidates, and the petitioner has simply been issued a letter dated 8th April, 2024. When the matter was listed for hearing on 13th May, 2024, the following order came to be passed by this Court:

“xxx xxx xxx

2. *Learned counsel appearing for the petitioner submits that despite the aforesaid order, the case of the petitioner has not been considered along with other eligible candidates, and the petitioner has simply been issued a letter dated 08th April, 2024, which reads as under:*

“

Dated: 08.04.2024

*Shri Rakesh Kumar (Roll No. DL01010093
S/o Shri Chatar Singh
A-668, G.D. Colony,
Mayur Vihar Phase-3
Delhi-110096
Mob. No. 8750377665*

Ref.: Your letter dated 08.03.2024.

Subject: Your request for appointment to the post of Junior Assistant-reg.

Dear Sir,

This is with reference to your letter dated 08.03.2024 regarding appointment to the post of Junior Assistant in compliance to Order dated 29.02.2024 of the Hon'ble High Court of Delhi. In this regard, it is so inform you that at present your name is kept in the panel drawn by National Testing Agency for the post of Junior Assistant. In case any opportunity comes in future, your candidature will be considered as per rules and on the basis of the merit in the panel.

This issue with the approval of the Competent Authority.



(GAGANDEEP SINGH)
DEPUTY REGISTRAR
ADMINISTRATION”

3. *Issue notice. Notice is accepted by learned counsel appearing for the respondents.*

4. *She submits that the case of the petitioner was indeed considered and since there were 106 people above the petitioner, the petitioner could not be accommodated in the current exercise. Thus, she submits that by way of the letter dated 08th April, 2024, the name of the petitioner has been kept in the panel drawn by the National Testing Agency, so that his name could be considered in case any opportunity arises in future.*

5. *This court notes that the aforesaid submissions, as made by the learned counsel appearing for the petitioner before this Court, is not reflected in the letter dated 08th April, 2024, issued by the respondents.*

6. *Accordingly, it is directed that the respondents shall issue a fresh letter to the petitioner, clearly indicating as to the manner in which the case of the petitioner was considered.*

xxx xxx xxx”

3. Today, Ms. Ginny J. Rautray, learned counsel appearing for the respondents has handed over a copy of letter dated 22nd May, 2024, issued by Jawaharlal Nehru University, which shows that the case of the petitioner herein was considered, and that the petitioner has been placed in the panel drawn by the National Testing Agency.

4. The letter dated 22nd May, 2024 is taken on record. The same reads as under:

“xxx xxx xxx
Jawaharlal Nehru University
ADMINISTRATION BRANCH-I

Date: 22 May, 2024



Sh. Rakesh Kumar (Roll No. DL01010093)
S/o Sh. Chatar Singh
A-668, G.D. Colony,
Mayur Vihar, Phase-3,
Delhi-110096

Ref.: Hon'ble High Court Order dated 13.05.2024

Dear Sir,

In compliance of the Hon'ble High Court Order dated 13.05.2024 in CONT. CAS (C) 778/2024, **Rakesh Kumar....Petitioner Vs. Prof. SantishreeDhulipudi Pandit.... Respondents**. It is to inform you that the University has advertised 106 posts of Junior Assistant on direct recruitment basis in the year 2023, category wise as mentioned below:

JUNIOR ASSISTANT							
	No. of Post(s)	Category					
		UR	EWS	OBC	SC	ST	PW D
Advertised Posts	106	47	4	28	17	06	04

As per the examination conducted and merit list drawn by NTA, NTA declared 106 candidates as qualified according to the marks scored in the examination against each category. Accordingly, offer letters were issued to the first 105 eligible candidates as per the merit (01 candidate disqualified during document verification). It is further informed that offer letters were issued to all 17 as per the merit list, out of which, 10 candidates are presently working in the University, 06 candidates sought extension/not joined the post, and one candidate has resigned after joining the University services. Your name did not figure in the above list of 106 candidates.

However, the name of petitioner is at serial no. 224 of the cut off/qualified list/panel provided by NTA and his name is at Serial No. 29 of SC cut off/qualified list.

In terms of Point No. 22(ii) of General Terms and Conditions of Recruitment of the University, the candidature of the petitioner will be considered as per his rank in the merit list. Therefore, the name of petitioner will be considered if any opportunity arises in future subject to him being fit and eligible for the post.



Point No. 22 (ii) of General Terms and Conditions of Recruitment of the University, is reproduced below:

"(ii) The University may draw a reserved panel to fill up a post. In case a candidate on higher merit regrets to join within a period of six months or resigns/dies after joining, within a period of one year, the offer shall be made to the next candidate in the merit list, (if otherwise in order), to reduce the delay in filling up of the vacancies. Such a vacancy should not be treated as fresh vacancy."

xxx xxx xxx"

5. Reading of the aforesaid letter, makes it apparent that the directions as passed in the judgment dated 29th February, 2024, stands complied with and the case of the petitioner has been duly considered by the respondents.
6. At this stage, Mr. V. Shashank Kumar, learned counsel appearing for the petitioner submits, that he may be granted liberty to challenge the letter dated 22nd May, 2024 issued by the respondents. Liberty is granted.
7. In view thereof, no further orders are required to be passed in the present proceedings.
8. Accordingly, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 28, 2024

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