



2024:DHC:3994



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

% Judgment delivered on: 14.05.2024

+ **W.P.(C) 6853/2024****DR. MINAKSHI GARG**

..... Petitioner

versus

**DELHI PHARMACEUTICAL SCIENCES AND
RESEARCH UNIVERSITY AND ORS**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. M.K. Bhardwaj, Ms. Priyanka M
Bhardwaj and Mr. Arun Prakash,
Advocates

For the Respondent : Mr. Yashvardhan, Ms. Smita Kant, Ms.
Kritika Nagpal and Mr. Gyanendra
Shukla, Advocates

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 28581/2024**

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6853/2024 & CM APPL. 28580/2024 (Stay)

3. This a writ petition, *inter alia*, challenging the impugned Show
Cause Notice dated 06.05.2024 issued by the respondent-Delhi



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Pharmaceutical Sciences and Research University whereby the respondent/University has directed the petitioner to show cause as to why she should not be removed from the services on the ground that her qualifications are doubtful and she does not fulfill the eligibility criteria for having been inducted as Associate Professor.

4. The Show Cause Notice gives details of the petitioner's experience and qualification as projected by her at the time of induction. The Show Cause Notice asserts that the research etc. carried out by the petitioner during that time does not fulfil the criteria as stipulated by the University Grants Commission in its Regulations of 2010 as amended in 2018.

5. The respondent also relies upon its Clause 21 of the First Statute of the said respondent-University by virtue whereof the employees of the University can be removed.

6. Mr. Yasvardhan, learned counsel appearing for the respondent submits that the petitioner is yet to file her reply to the Show Cause Notice and in any case, the respondent is bound to proceed in terms of the sub-Clause (3) to Clause 21 of the First Statute of the University.

7. Mr. M.K. Bhardwaj, learned counsel for the petitioner submits that after four years of her induction, this bogey has been raised only to remove the petitioner from the services of the respondent. He submits that while she was found fit and eligible for the appointment in 2019, there was no reason at all for the respondent to doubt her credentials, now.

8. Mr. Bhardwaj, also points out to letter dated 20.07.2023 issued by the very same University, whereby the petitioner was directed to furnish certain information in respect of her pay roll with the previous employers. The documents annexed from page 265 onwards are the letters which



have been received by the University from various employers of the petitioner where she was employed previously, which have been accepted by the respondent/University. He submits that despite the same, the Show Cause Notice has been issued, which is motivated.

9. Be that as it may.

10. This Court has considered the arguments of learned counsel for the parties.

11. It is beyond cavil that the Show Cause Notice issued to the employees for whatever reason cannot be interjected by the Courts at that stage since the same does not form a cause of action for invoking the powers of judicial review of the Courts under Article 226 of the Constitution of India. This reasoning finds strength from the judgment of the Supreme Court in *Union of India and Anr vs. Kunisetty Satyanarayana* reported in (2006) 12 SCC 28.

12. The relevant point for consideration by the Competent Authority which will consider the reply to the Show Cause Notice, would be the relevant Recruitment Rules, which stipulates as under:-

“Essential:

- 1. First Class in B.Pharm. as well as in Master’s degree in pharmacy (M. Pharm.) or equivalent for Biotechnology and/Or Management Specialization in appropriate branch of specialization in pharmacy with Ph.D degree in any of pharmacy subjects.*
- 2. The candidate must have atleast a score of API 300. In Research Category (As per UGC Guidelines July 2018)*
- 3. 05 Years experience in Teaching and Research at the level of Assistant Professor of the equivalent from Institute of National/International repute.”*



13. In fact, the Show Cause Notice also refers to Clause 3.11 of the UGC Guidelines, 2018 while levelling the charges upon the petitioner of not having the essential qualifications. The same is extractd hereunder:-

“3.11 The time taken by candidates to acquire M.Phil. and / or Ph.D. Degree shall not be considered as teaching/research experience to be claimed for appointment to the teaching positions. Further the period of active service spent on pursuing Research Degree simultaneously with teaching assignment without taking any kind of leave, shall be counted as teaching experience for the purpose of direct recruitment/ promotion. Regular faculty members upto twenty per cent of the total faculty strength (excluding faculty on medical / maternity leave) shall be allowed by their respective institutions to take study leave for pursuing Ph.D. degree.”

14. The question to be considered would be the interplay of the words “and/or”. In view of the fact that the petitioner was in service of the respondent for the period of four years, it would be just and appropriate to grant protection post the order to be passed by the Competent Authority, for a period of one week from the said date for the petitioner to take appropriate steps for redressal of her grievance.

15. The time for filing reply is stated to be expiring on 15.05.2024. The petitioner is granted further extension of three days to file reply to the Show Cause Notice. The Competent Authority may consider the same in accordance with Rules and Regulations.

16. With the aforesaid, the petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 14, 2024/Āj