



2024:DHC:4058



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

% Judgment delivered on: 14.05.2024

+ **W.P.(C) 6878/2024****DR. NEERJA SAMAJDAR**

..... Petitioner

versus

JAWAHARLAL NEHRU UNIVERSITY AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ishkaran Singh Bhandari, Mr. Milan Deep Singh and Mr. Sahasra Deep Sharma, Advocates

For the Respondents : Mr. Harshvardhan Korada, Advocate

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. 28695/2024**

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

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3. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“a) Issue a writ in the nature of Mandamus, directing



the Respondent University to promote the Petitioner for the post of 'Professor (Stage 5)' at Jawaharlal Nehru University from when the Career Advancement Scheme Application was filed i.e. 09.05.2019 in terms of the UGC Regulations 4th Amendment 2016 in the Principal UGC Regulations 2010; and

b) Issue a writ in the nature of Mandamus / any appropriate writ / direction directing the Respondent University to constitute a Selection Committee immediately to promote the Petitioner to the post of 'Professor (Stage 5)' under the Career Advancement Scheme (CAS); and

c) Issue a writ of certiorari to quash the noting made on page no. 15 in the service book of the Petitioner in the interest of justice."

4. Mr. Bandari, learned counsel for the petitioner draws attention of this Court to UGC Regulations, particularly Clause 6.3.1 at page 163 of the present petition, to submit that the University is under obligation as also in order to avoid delays in holding Selection Committee Meetings in various positions under the Career Advancement Scheme to immediate initiate the process of screening/ selection and to complete such process within 6 months from the date of application.

5. He submits that the petitioner in the present case had applied for the promotion to the post of Professor under the Career Advancement Scheme by the application dated 09.05.2019. He submits that violating the provisions of Clause 6.3.1 of the UGC Regulations, her application has been kept pending till today. He submits that despite filing representations dated 20.10.2023 and 10.04.2024, the same have not yet been considered by the competent authority. He submits that the



petitioner is suffering on account of future promotions as also the financial aspects because of the delay caused by the respondent.

6. Mr. Bhandari, learned counsel also draws attention of this Court to prayer (c) of the prayer clause seeking quashing of noting made in the service book disentitling the petitioner from seeking promotion. It appears that respondents have made an entry in the service book of the petitioner i.e., "*Endowment post. Not sanctioned by the UGC*". Learned counsel submits that the said endorsement is in the teeth of the advertisement issued by the respondent. He further submits by drawing attention of this Court to Annexure P-4 which is the advertisement No.RC/49/2014, particularly to page 50 and page 57, in respect of Associate Professor (Unreserved) whereby no such stipulation has been mentioned.

7. Issue notice.

8. Mr. Harshvardhan Korada, learned counsel accepts notice on behalf of respondent.

9. After having heard Mr. Bhandari and perusing the documents on record, it appears apposite to direct the Competent Authority of the respondent University to consider the present writ petition as a representation and to dispose of the same in accordance with law. The petitioner shall be afforded a personal hearing. The date, time and venue shall be communicated well in advance. The petitioner shall also be entitled to submit further additional documents in support of her case.

10. The Competent Authority of the University is directed to take into consideration the documents placed on record while disposing of the representation. The said representation be disposed of within 6 weeks



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from today.

11. Needless to state that the order disposing of the said representation be supplied to the petitioner within one week thereafter.

12. The petitioner shall be at liberty to challenge the same should the need so arise.

13. The present writ petition stands disposed of in view of the above directions with no order as to costs.

MAY 14, 2024

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TUSHAR RAO GEDELA, J