



2024:DHC:4381



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

% Judgment delivered on: 22.05.2024

+ W.P.(C) 7454/2024

DR SHILPA JAIN

..... Petitioner

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ankur Chhibber, Mr. Amrit Kul,
Mr. Anshuman Mehrotra, Mr. Prahil
Sharma and Mr. Arjun Panwar,
Advocates

For the Respondents : Ms. Avnish Ahlawat, Standing Counsel
with Ms. Tania Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advocates for R-1
Mr. Yashvardhan, Advocate for R-2 to
R-4

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 31013/2024**

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

W.P.(C) 7454/2024 & CM APPL. 31012/2024

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3. The controversy in the present writ petition is similar to the one which had been raised before this Court in the case of ***Dr. Minakshi Garg vs. Delhi Pharmaceutical Sciences and Research University and Others*** [W.P.(C) 6853/2024], as also ***Dr. Harvinder Popli vs. Delhi Pharmaceutical Sciences and Research University and Others*** [W.P.(C) 6946/2024]. Both of which were disposed of on 14.05.2024 and 15.05.2024 respectively.

4. Without going into the merits as were noted in the previous judgments, suffice it to state that in the present case the petitioner has already tendered her detailed reply to the Show Cause Notice dated 06.05.2024. The relevant paragraphs in terms of the previous judgments as noted above are as under:

“8. Having said that, however, it will be relevant to keep in mind the conditions as stipulated in clause (ii) of University grants Commission guidelines 2018, which stipulates as under:-

“II. Associate Professor:

Eligibility:

A good academic record, with a Ph.D. Degree in the concerned/allied/relevant disciplines.

A Master's Degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed).

A minimum of eight years of experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/industry with a minimum of seven publications in the peer-reviewed or UGC-listed journals and a



total research score of Seventy five (75) as per the criteria given in Appendix III, Table 2.”

Contribution to educational innovation, design of new curricula and courses, and technology mediated teaching learning process.

(Emphasis Supplied)

9. In fact the Show Cause Notice also refers to the said sub-Clause (iii) while levelling the charges of the petitioner not having the essential qualification.

10. The question to be considered would be the interplay of the words “and/or” as appearing in the eligibility conditions stipulated by the UGC. In view of the fact that the petitioner was in service of the respondent for a period of eight years, it would be just and appropriate to grant protection post the order to be passed by the Competent Authority for a period of 10 days from the said date for the petitioner to take appropriate steps for redressal of her grievance.

11. It is informed that the time to file the reply to the show cause notice is expiring on 16.05.2024. The petitioner is therefore granted ten days time to file her substantive reply. The Competent Authority is directed to consider the reply holistically taking into consideration that the petitioner was in fact employed by the University previously as also the fact that after having verified each and every document and testimonies the petitioner was confirmed in the year 201. The Competent Authority shall afford an opportunity of personal hearing to the petitioner. The date, time and venue will be intimated well in advance.

12. The Competent Authority shall keep in mind the interplay of the words ‘and / or’ as employed in the



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UGC guidelines while passing this order.

5. Since the issues raised in the present writ petition are similar to the ones which have been raised earlier in the judgments noted above, the petitioner also would be granted the same protection of 10 days post the order to be passed by the Competent Authority to enable the petitioner to take appropriate steps for redressal of her grievances.

6. With the above observation the petition is disposed of with no order as to costs. Pending application also stands disposed of.

TUSHAR RAO GEDELA, J

MAY 22, 2024

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