



2024:DHC:4513



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

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Judgment delivered on: 27.05.2024

+ W.P.(C) 7758/2024 & CM APPL. 32159/2024

DR JASEELA MAJEED

..... Petitioner

versus

DELHI PHARMACEUTICAL SCIENCES AND RESEARCH
UNIVERSITY THROUGH ITS REGISTRAR Respondent

Through:

Advocates who appeared in this case:

For the Petitioner: Mr. M. F. Philip, Ms. Purnima Krishna and
Mr. Karamveer Singh Yadav., Advocate.

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

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

JUSTICE TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 32160/2024 (Exemption)

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

W.P.(C) 7758/2024 & CM APPL. 32159/2024



2024:DHC:4513



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, order or direction in the nature of certiorari, or any other appropriate writ, declaring impugned Show Cause Notice bearing F.NO.10/1209/ADMIN/DPSRU/2020/PARTFILE-11/1351-1353 dated 06.05.2024 passed by Respondent No.1 as illegal ;

b. Issue a writ, order or direction in the nature of certiorari, or any other appropriate writ, declaring impugned Letter dated 15.05.2024 being F.NO.10/1209/ADMIN/DPSRU/2020/PARTFILE-II 1803-1805 dated 15.05.2024 as illegal ;

4. In the present petition, the petitioner has challenged the show cause notice 06.05.2024 annexed as Annexure P-1 at page 32 whereby the University had issued a show cause notice as to why the employment of the petitioner be not cancelled on the basis of the petitioner not having the requisite experience of required for the post of Associate Professor, in terms of Clause 21 of the First Statutes of the University.

5. Learned counsel invites attention of this Court to the impugned show cause notice dated 06.05.2024, particularly at page 35 wherein the show clause notices concludes that the appointment of the petitioner as Assistant Professor in the year 2017 has already been found to be not as per rules / norms of the University.

6. Learned counsel also submits that the petitioner had requested the copies of the inquiry report or any other such report whereby the respondent had already concluded that the initial appointment of the petitioner in the year 2017 itself, was contrary to the rules. Simultaneously, the petitioner has also sought the copies of the recruitment rules pertaining to the recruitment of the Assistant



Professor. He submits that none of the records have been provided to the petitioner.

7. Learned counsel appearing for the petitioner submits that this Court in W.P.(C) 6946/2024 titled '*Dr. Harvinder Popli Vs. Delhi Pharmaceutical Sciences and Research University & Ors.*' issued notice on identical challenge and had granted protection of 10 days from the date the order on the show cause notice issued passed by the Competent Authority.

8. The issue in the present writ petition appears to be already covered by this Court in the judgment dated 15.05.2024 titled ***Dr. Harvinder Popli (Supra)*** and noted above and W.P.(C) 7454/2024 titled ***Dr. Shilpa Jain Vs. Govt. of NCT of Delhi And Ors.***

9. Having said that, however, it will be relevant to keep in mind the conditions as stipulated in clause (iii) of University Grants Commission Guidelines, 2018, which stipulates as under:-

“II. Associate Professor:

Eligibility:

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

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

iii) 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.



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

(Emphasis Supplied)

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

11. Keeping in view the fact that the petitioner has already submitted her reply on 15.05.2024, without going into the merits of the matter, the following order is being passed.

12. The respondent-University is directed to furnish the copies of both the documents i.e., the inquiry report or any such document in respect of conclusion reached by the Competent Authority in respect of the initial induction of the petitioner as Assistant professor in the year 2017 coupled with the copies of the Recruitment Rules in respect of the Assistant Professor, as prevailing in the year 2017. Copies be furnished to the petitioner within three days from today. In any case, the same be furnished to the petitioner before she is called for personal hearing.

13. The Competent Authority is directed to consider the reply filed by the petitioner, 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 2017. The Competent Authority shall afford an opportunity of personal hearing to the petitioner. The date, time and venue for the same shall be intimated well in advance to the petitioner.



2024:DHC:4513



14. The Competent Authority shall keep in mind the interplay of the words '*and / or*' as employed in the UGC guidelines while passing the order.

15. 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, to the petitioner to take appropriate steps for redressal of her grievance.

16. In view of above, the petition along with pending application also stands disposed of.

17. It goes without saying that the contentions of the parties are kept open and reserved.

TUSHAR RAO GEDELA, J

MAY 27, 2024/ms