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

+ **W.P.(C) 9275/2024**

TUHEENA MUKHERJEE

.....Petitioner

Through: Mr. Shadan Farasat, Mr. Abhishek Babbar and Ms. Meganka Kukreja, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Laavanya Kaushik, Advocate for R-1.

Ms. Priya Singh, Government Pleader also for R-1.
Mrs. Ginny J. Rautray with Mr. Navdeep Singh,
Ms. Devika Thakur and Mr. Ranvijay Singh,
Advocates for R-2 and 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **10.07.2024**

CM APPL. 38052/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 9275/2024 and CM APPL. 38051/2024 (seeking reservation of seat for the position of Associate Professor)

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(i) Direct IIFT, Delhi to recognize and protect the position of the Petitioner at Assistant Professor Level 13A1 with effect from 09.02.2018;

(ii) Direct IIFT, Delhi to consider the Petitioner for promotion to the position of Associate Professor Level 13A2 under the internal promotion cycle for the academic year 2022 – 23 and constitute the selection committee for the purpose of interview of the Petitioner in this regard;



(iii) Direct IIFT, Delhi to provide salary arrears to the Petitioner in accordance with the pay matrix of Assistant Professor Level 13A1 from the date of joining the IIFT, Delhi, i.e., on 02.07.2018; and

(iv) Award costs of the petition to the Petitioner; and/ or

(v) Pass any other or further order(s) that may be deemed fit in the interest of justice.”

4. Petitioner is stated to be a distinguished academician holding a Ph.D. in Human Resource Management from prestigious Indian Institute of Technology, Delhi and is presently serving as an Assistant Professor Level-13A1 with Indian Institute of Foreign Trade (‘IIFT’). Petition has been filed challenging the alleged belated recognition of her position as Assistant Professor Level-13A1 and an arbitrary denial of promotion to the post of Associate Professor Level-13A2, despite satisfying the prescribed criteria. It is *inter alia* urged in the petition that IIFT, Delhi being a Deemed University under Section 3 of the University Grants Commission Act, 1956 was bound to take into consideration the past services of the Petitioner under direct promotion/Career Advancement Scheme as per paragraph 10 of the “*Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010*”, which it has failed to do, resulting in a situation where four crucial years of service of the Petitioner are not being counted and this would seriously impact her future career. It is also averred that IIFT has violated Rule 10 of the Probation Guidelines by prescribing her period of probation as three years instead of one year as also violating Rules 6 and 8 of the Lien Guidelines and law relating to protection of last pay drawn with respect to the earlier post held by her in IIT.

5. Learned counsel for the Petitioner submits that as many as four representations dated 04.07.2018, 05.10.2018, 01.04.2019 and 13.08.2019



have been sent to Director, IIFT, but none of them have been decided and in this view of the matter, it is submitted that Petitioner would be satisfied at this stage, if a direction is issued to Respondents No.2 and 3 to either decide the pending representations or treat this petition as a representation and look into the grievances raised by the Petitioner including legal issues.

6. Issue notice.

7. Learned counsels, as above, accept notice on behalf of Respondent No.1 and Respondents No.2 and 3 respectively.

8. In view of the stand taken by the learned counsel for the Petitioner, this writ petition is disposed of with a direction to the Competent Authority of Respondents No.2 and 3 to treat this petition as a representation and decide the same, taking into account the various issues flagged by the Petitioner, in accordance with law and the applicable Rules. The decision shall be taken within a period of six weeks from today and a reasoned and speaking order shall be passed by the Competent Authority, which shall be communicated to the Petitioner, who shall be at liberty to take recourse to legal remedies, in case of any surviving grievance and if so advised.

9. It is made clear that this Court has not entered into or expressed any opinion on the merits of the case.

10. Pending application also stands disposed of.

JYOTI SINGH, J

JULY 10, 2024/kks/shivam