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

+ **W.P.(C) 11010/2024**

DR BHARTI SHARMA

.....Petitioner

Through: Mr. Abhik Chimni, Ms. Nabira Farman, Mr. Maarooof, Ms. Pranjal Abrol and Mr. Anant Khajuria, Advocates

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, Standing Counsel, Jamia Millia Islamia.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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08.08.2024

CM APPL. 45428/2024

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

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

“a. Issue a Writ in the nature of Certiorari or any other Writ/Order to quash the Impugned Order F. No. UGC-CAS/RPS-T/RO/JMI/2023 dated 02.06.2023;

b. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to grant promotion to the Petitioner from the post of Associate Professor (Stage-AL-13A) to Professor (Stage-AL-14) with effect from her date of eligibility, i.e., 17.07.2021 instead of 17.05.2023;

c. Issue a Writ in nature of Mandamus or any other Writ/Order directing the Respondent University to grant all the financial and consequential benefits of promotion from the date of eligibility;



d. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to compensate the Petitioner in furtherance of his legal fees/litigation costs.”

4. It is the case of the Petitioner that she was appointed as Lecturer in Special Education, Department of TT&NFE (IASE), Faculty of Education, Jamia Millia Islamia (JMI) on probation w.e.f. 17.07.2006 and was confirmed vide Notification dated 13.08.2007 w.e.f. 17.07.2007. Petitioner was promoted from Assistant Professor (Stage-1) to Assistant Professor (Stage-2) vide order dated 09.11.2012 w.e.f. 17.07.2010 and thereafter to Assistant Professor (Stage-3) vide order dated 25.10.2016 w.e.f. 17.07.2015.

5. It is averred that Government of India, through a Gazette Notification dated 11.07.2016 published the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) (4th Amendment), Regulations, 2016 and Petitioner was thereafter promoted to Assistant Professor (Stage-4) from 17.07.2018. A Circular was issued by JMI on 11.12.2020 requiring the teachers to apply for Career Advancement Scheme (CAS) promotions in the preceding submission cycle of their eligibility since Selection Committees were going to be convened in two cycles i.e., January to June and July to December.

6. Accordingly, Petitioner submitted her application form on 29.06.2021 for promotion from the post of Associate Professor (Academic Level-13A) to Professor (Academic Level-14). As per the Petitioner, she became eligible for the said post on 17.07.2021. Petitioner was called for an interview for the post of Professor (Academic Level-14) on 08.05.2023 and on recommendation of the Selection Committee was granted promotion w.e.f.



17.05.2023 instead of her date of eligibility, i.e., 17.07.2021. Petitioner represented on 15.12.2023 for reviewing the effective date of promotion followed by reminders on 12.01.2024 and 19.02.2024 but to no avail.

7. The limited grievance of the Petitioner is to grant her promotion to the post of Professor (Academic Level-14) with effect from 17.07.2021 instead of 17.05.2023, with all consequential benefits. Learned counsel for the Petitioner places reliance on the decision of the Coordinate Bench of this Court in ***Dr. Kiran Gupta and Ors. v. The University of Delhi and Ors., MANU/DE/0430/ 2021***, wherein the Court has ruled that if a candidate applies for promotion on completion of minimum eligibility and is successful, the date of promotion will be from the date of minimum period of eligibility.

8. Issue notice.

9. Mr. Prithish Sabharwal, learned Standing Counsel appearing on advance copy of the petition on behalf of JMI submits, on instructions, that the case of the Petitioner shall be taken up as an Agenda Point in the forthcoming Executive Council's meeting as expeditiously as possible and not later than 2 months from today. Mr. Abhik Chimni has no objection to this course of action.

10. Accordingly, this petition is disposed of taking the assurance on behalf of JMI on record and directing that the Executive Council will convene its meeting as expeditiously as possible and not later than 2 months from today and consider the case of the Petitioner for granting her promotion from 17.07.2021, in accordance with law and while doing so, the decision of this Court in ***Dr. Kiran Gupta and Ors. (supra)***, shall be taken into account. The decision shall be communicated to the Petitioner within a



week thereafter and the Petitioner will be at liberty to take recourse to appropriate remedies in law in case of any surviving grievance.

11. It is made clear this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

AUGUST 08, 2024/kks