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

+ **W.P.(C) 11025/2024 and CM APPL. 45586/2024**

DR GAUTAM PATRAPetitioner

Through: Mr. Satya Narayan Padhi, Mr. Vinod Kumar and Mr. Amit Kumar, Advocates.

versus

THE JAWAHAR LAL NEHRU UNIVERSITYRespondent

Through: Mr. Vasanth Rajasekaran, Standing Counsel with Mr. Harshvardhan Korada, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.08.2024

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1. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

“(a) accept the present writ petition, issue an appropriate writ or writ of mandamus and directions, thereby restraining the Respondent from directing the petitioner to report to Dr. Fouzia Firdous Ozair who is junior to the petitioner.

(b) Direct the respondent to issue appropriate directions to the petitioner to get his APAR reported upon by a competent officer who is in a pay scale above the petitioner.”

2. On a factual note, Petitioner was appointed as Chief Medical Officer on 09.12.2002 with the Respondent/Jawahar Lal Nehru University in the pay scale of Rs.12000-375-18000 and was further promoted as CMO(NFSG) on 09.12.2006 in the pay scale of Rs.14300-400-18300. Petitioner was re-designated as CMO (SAG) and appointed as In-Charge Health Centre w.e.f. 09.12.2013 vide letter dated 15.01.2014 in Grade Pay of Rs.10,000/-, which is equivalent to Pay Level-14 under 7th CPC.



3. It is averred that Petitioner received a letter dated 13.04.2023 directing him to get his Annual Performance Appraisal Report ('APAR') for the year 2022 reported upon by Dr. Fouzia Firdous Ozair, current CMO and In-charge Health Centre, who joined the Respondent on 01.11.2013 as a Medical Officer with MBBS Degree and two years experience. Since Dr. Fouzia Firdous Ozair was junior to the Petitioner, both in terms of post and pay scale, Petitioner wrote to the Respondent on 06.12.2022 objecting to his APAR being reported upon by a junior employee. Another representation was made on 26.04.2023 reiterating the grievance referring to the Instructions on writing of APARs. Respondent by its reply dated 15.03.2024 rejected the representation of the Petitioner without spelling out a single reason why his representation was devoid of merit. Challenging this order, Petitioner has approached the Court.

4. From a reading of the petition, it emerges that the grievance of the Petitioner is that the Respondent has directed that his APAR 2022 will be reported upon by Dr. Fouzia Firdous Ozair, who the Petitioner claims is junior to him on account of her date of joining the University, pay scale and the post she holds. Petitioner has placed reliance on the Instructions on Writing of APARs issued by DoPT, stipulating that Reporting Authority should be immediately superior to the Officer reported upon. This Court agrees entirely with the Petitioner and finds that the grievance is justified as APAR of an employee cannot be reported upon or reviewed by an officer junior to him.

5. On 09.08.2024, when this writ petition came up for admission, learned counsel for the Respondent took time to come back with instructions. Having obtained instructions, counsel for the Respondent,



submits that the grievance of the Petitioner stands redressed and for APAR 2022, Reporting Officer shall be the Registrar, JNU and Reviewing Officer will be Rector-I, JNU.

6. Counsel for the Petitioner submits that in view of this position, he does not press the writ petition and the same be disposed of.

7. In view of the stand of the Respondent as above, no further order is required to be passed in the present writ petition and the same is disposed of. Court appreciates the fair stand taken by the Respondent before the Court on the issue.

8. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 12, 2024/B.S. Rohella/kks