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

+ **W.P.(C) 15393/2023**

PROF SAIYED WAJID ALI

.....Petitioner

Through: Mr. F.A Ayyubi with Mr. Ibad
Mushtaq and Ms. Akanksha Rai, Advocates.

versus

JAMIA MILLIA ISLAMIA & ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Standing
Counsel with Ms. Shweta Singh, Mr. Sanjeet
Kumar and Mr. Sharad Pandey, Advocates for
JMI.

Mr. Om Prakash, SPC with Mr. Chandresh Pratap,
Ms. Swati Mishra and Mr. Nitish Panda,
Advocates for UGC.

60

+ **W.P.(C) 15770/2023**

PROF SONU CHAND THAKUR

.....Petitioner

Through: Mr. F.A Ayyubi with Mr. Ibad
Mushtaq and Ms. Akanksha Rai, Advocates.

versus

JAMIA MILLIA ISLAMIA AND ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Standing
Counsel with Ms. Shweta Singh, Mr. Sanjeet
Kumar and Mr. Sharad Pandey, Advocates for
JMI.

61

+ **W.P.(C) 15797/2023**

DR FARAH JAMAL ANSARI

.....Petitioner

Through: Mr. F.A Ayyubi with Mr. Ibad
Mushtaq and Ms. Akanksha Rai, Advocates.

versus



JAMIA MILLIA ISLAMIA AND ORS

.....Respondent

Through: Mr. Pritish Sabharwal, Standing Counsel with Ms. Shweta Singh, Mr. Sanjeet Kumar and Mr. Sharad Pandey, Advocates for JMI.

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W.P.(C) 15826/2023

PROF SAIF SIDDIQUI

.....Petitioner

Through: Mr. F.A Ayyubi with Mr. Ibad Mushtaq and Ms. Akanksha Rai, Advocates.

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, Standing Counsel with Ms. Shweta Singh, Mr. Sanjeet Kumar and Mr. Sharad Pandey, Advocates for JMI.

63

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W.P.(C) 16523/2023

DR. MEETU GUPTA

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Saharsh Saxena, Mr. Anant Khajuria and Mrs. Riya Pahuja, Advocates.

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, Standing Counsel with Ms. Shweta Singh, Mr. Sanjeet Kumar and Mr. Sharad Pandey, Advocates for JMI.

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W.P.(C) 16600/2023

DR. RAJVEER SINGH

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Saharsh Saxena, Mr. Anant Khajuria and Mrs. Riya Pahuja, Advocates.



versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, Standing Counsel with Ms. Shweta Singh, Mr. Sanjeet Kumar and Mr. Sharad Pandey, Advocates for JMI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.09.2024

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1. W.P.(C) 15393/2023 has been preferred on behalf of the Petitioner/ Prof Saiyed Wajid Ali under Article 226 of the Constitution of India seeking the following reliefs:

“a) Issue a Writ of Mandamus or any other appropriate writ, order or direction setting aside Office Order dated 06.04.2023 bearing F.No. UGC-CAS/RPS-T/RO/JMI/2023 issued by the Registrar, Jamia Millia Islamia to the extent that the date of eligibility of the Petitioner is wrongly mentioned as 06.04.2023 instead of 22.05.2019; and

b) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.1 to comply with the UGC Regulations on Minimum Qualification for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 and 2018; and

c) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the to rectify the effective date of promotion of the petitioner to the post of Professor from 06.04.2023 to 22.05.2019.”

2. W.P.(C) 15770/2023 has been preferred on behalf of the Petitioner/ Prof Sonu Chand Thakur under Article 226 of the Constitution of India seeking the following reliefs:

“a) Issue a Writ of Mandamus or any other appropriate writ, order or direction setting aside Office Order dated 01.05.2023 bearing F.No. UGC-CAS/RPS-T/RO/JMI/2023 issued by the Registrar, Jamia Millia Islamia to the extent that the date of eligibility of the Petitioner is wrongly mentioned as 26.04.2023 instead of 15.01.2018; and



- b) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.1 to comply with the UGC Regulations on Minimum Qualification for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 and 2018; and*
- c) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the to rectify the effective date of promotion of the petitioner to the post of Professor from 26.04.2023 to 15.01.2018”*

3. W.P.(C) 15797/2023 has been preferred on behalf of the Petitioner/ Dr. Farah Jamal Ansari under Article 226 of the Constitution of India seeking the following reliefs:

- “a) Issue a Writ of Mandamus or any other appropriate writ, order or direction setting aside Office Order dated 06.04.2023 bearing F.No. UGC-CAS/RPS-T/RO/JMI/2023 issued by the Registrar, Jamia Millia Islamia to the extent that the date of eligibility of the Petitioner is wrongly mentioned as 01.03.2023 instead of 30.09.2020; and*
- b) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.1 to comply with the UGC Regulations on Minimum Qualification for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 and 2018; and*
- c) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the to rectify the effective date of promotion of the petitioner to the post of Associate Professor from 01.03.2023 to 30.09.2020.”*

4. W.P.(C) 15826/2023 has been preferred on behalf of the Petitioner/ Prof Saif Siddiqui under Article 226 of the Constitution of India seeking the following reliefs:

- “a) Issue a Writ of Mandamus or any other appropriate writ, order or direction setting aside Office Order dated 06.04.2023 bearing F.No. UGC-CAS/RPS-T/RO/JMI/2023 issued by the Registrar, Jamia Millia Islamia to the extent that the date of eligibility of the Petitioner is wrongly mentioned as 06.04.2023 instead of 16.01.2022; and*
- b) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.1 to comply with the UGC Regulations on Minimum Qualification for Appointment of Teachers and*



Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 and 2018; and

c) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the to rectify the effective date of promotion of the petitioner to the post of Professor from 06.04.2023 to 16.01.2022.”

5. W.P.(C) 16523/2023 has been preferred on behalf of the Petitioner/ Dr. Meetu Gupta under Article 226 of the Constitution of India seeking the following reliefs:

“a. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to set aside the Impugned Order dated 02.06.2023 vide Office Order F. No. UGC-CAS/RPST/ RO/JMI/2023;

b. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to give the effect of promotion to the Petitioner from the post of Associate Professor (AL-13A) to Professor (AL-14) w.e.f. her date of eligibility i.e. 12.09.2020 along with all the financial and consequential benefits;

c. Issue a Writ of Mandamus or any other Order/direction to the Respondent University to pay the arrears of salary due to the Petitioner on account of higher grade pay for which the Petitioner is eligible;

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 her legal fees/litigation costs.”

6. W.P.(C) 16600/2023 has been preferred on behalf of the Petitioner/ Dr. Rajveer Singh under Article 226 of the Constitution of India seeking the following reliefs:

“a. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to set aside the Impugned Order dated 05.08.2022 vide Office Order F. No. UGC-CAS/RPST/ RO/JMI/2022;

b. Issue a Writ in the nature of Mandamus or any other Writ/Order directing the Respondent University to give the effect of promotion to the Petitioner from the post of Assistant Professor (AL-12) to Associate Professor (AL-13A) w.e.f. his date of eligibility i.e. 31.12.2017 along with all the financial and consequential benefits;

c. Issue a Writ of Mandamus or any other Order/direction to the Respondent University to pay the arrears of salary due to the Petitioner on account of higher grade pay for which the Petitioner is eligible;



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.”

7. The common grievance ventilated in W.P.(C.) Nos.15393/2023, 15770/2023, 15826/2023 and 16523/2023 is that while Petitioners have been promoted to the post of Professor (Stage-5) under Career Advancement Scheme (CAS) from the dates as per the impugned orders, they ought to have been promoted from the date when they acquired eligibility for promotion to the said post under the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 (2018 Regulations), which is three years of service in the post of Associate Professor (Stage-4). After being recommended for promotion under CAS-2010, through an interview by the Selection Committee, Petitioners have been promoted contrary to Clause 6.3.VI.(i) of 2018 Regulations, which provides that if a candidate applies for promotion on completion of minimum eligibility period and is successful, the date of promotion shall be from that of minimum period of eligibility. Delayed promotion according to the Petitioners has resulted in loss of seniority also.

8. In W.P.(C.) No. 15797/2023, Petitioner claims promotion to the post of Associate Professor (Stage-4) from the date of eligibility i.e. 30.09.2020 and contends that the promotion has been illegally given from 01.03.2023 contrary to Clause 6.3.VI.(i) of 2018 Regulations. Grievance of the Petitioner W.P.(C.) No. 16600/2023 is that promotion to the post of Associate Professor (Stage-4) has been denied from 31.12.2017 and wrongly granted from 28.03.2020. Petitioners claim the benefit of judgment of this



Court in ***Dr. Mahavir Singh Kalon v. University of Delhi through its Registrar & Ors., 2023:DHC:4164.***

9. Mr. Pritish Sabharwal, learned Standing Counsel appearing for JMI, on instructions, fairly submits that the present cases are covered by the judgment of this Court in ***Dr. Mahavir Singh Kalon (supra)*** and internal committee constituted by JMI has already recommended in favour of the Petitioners that their promotions under CAS will relate back to the respective dates of their eligibility and the matter will now be placed for approval before the Executive Council of JMI and decision will be taken.

10. Broadly understood, the common grievance of the Petitioners in these writ petitions is that *albeit* they have been promoted to the next promotion post but their promotions have not been reckoned from the dates of their eligibility and this has resulted in loss of seniority. There is merit in the contention of the Petitioners inasmuch as Clause 6.3.VI.(i) of 2018 Regulations provides that if a candidate applies for promotion on completion of minimum eligibility period and is successful, the date of promotion shall be from that of minimum period of eligibility. This position has been settled by this Court in ***Dr. Mahavir Singh Kalon (supra)***. As noted above, Mr. Sabharwal, has fairly conceded that the case of the Petitioners will be placed before the Executive Council for a final decision in terms of the aforesaid judgment.

11. Accordingly, these writ petitions are disposed of taking on record the stand of JMI as put forth by Mr. Sabharwal and directing that the decision shall be taken by the Executive Council of JMI within a period of six weeks from the date of receipt of this order. Needless to state that once a decision is taken and the same is in favour of the Petitioners, all consequential



benefits shall be given to them within eight weeks thereafter including re-fixation of their seniority.

SEPTEMBER 20, 2024/shivam

JYOTI SINGH, J