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

+ W.P.(C) 12385/2024

DR. P. PUNEETH

.....Petitioner

Through: Mr. Anand Sanjay M. Nuli, Senior Advocate with Mr. Akshay Ravi, Mr. Suraj Kaushik, Mr. Shiva Swaroop and Mr. Nanda Kumar K.B., Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR.Respondents

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

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

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+ W.P.(C) 12392/2024

DR CHIRASHREE DAS GUPTA

.....Petitioner

Through: Mr. Anand Sanjay M. Nuli, Senior Advocate with Mr. Akshay Ravi, Mr. Suraj Kaushik, Mr. Shiva Swaroop and Mr. Nanda Kumar K.B., Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR.Respondents

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH



ORDER

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20.09.2024

W.P.(C) 12385/2024

1. This writ petition has been preferred on behalf of the Petitioner assailing the order dated 28.02.2024 passed by Jawaharlal Nehru University/Respondent No. 1 to the extent that Petitioner was promoted to the post of Professor (Stage-5) w.e.f. 25.01.2024 instead of the date of eligibility i.e. 01.04.2018.
2. Petitioner was appointed as Associate Professor (Stage-4) at the Centre for the Study of Law and Governance in Respondent No. 1 on 01.04.2015. He completed the minimum period of eligibility for consideration for promotion to the post of Professor on 01.04.2018 under Career Advancement Scheme (CAS) as per 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, 2010” (2010 Regulations). It is urged by learned Senior Counsel for the Petitioner that an Associate Professor, on completion of 3 years of service in Stage-4 and possessing a Ph.D. degree in the relevant discipline is eligible to be appointed as Professor in the next higher grade i.e. Stage-5. Petitioner applied for promotion on 16.07.2021 and appeared for the interview before the Selection Committee on 25.01.2024. On 28.02.2024, Office Order was issued by Respondent No. 1 notifying the promotion of the Petitioner as Professor (Stage-5) under CAS in Academic Level-14 w.e.f. 25.01.2024. Petitioner was required to exercise his option to have his pay fixed either from the date of promotion or from the date on which his next increment fell



due in the lower post. Petitioner responded on 21.03.2024 objecting to his promotion from 25.01.2024, the date of interview instead of the date of completion of minimum period of eligibility for promotion and also made a representation on 21.03.2024 to this effect. The representation was rejected on 25.04.2024 and thereafter Petitioner filed this petition.

3. Learned Senior Counsel for the Petitioner argues that Petitioner has been wrongly promoted to the post of Professor (Stage-5) w.e.f. 25.01.2024 instead of the date of his eligibility i.e. 01.04.2018 and therefore, a direction be issued to Respondent No. 1 to promote the Petitioner from the date he acquired eligibility. It is urged that Petitioner has suffered a loss of 5 years 9 months 24 days in seniority and therefore a direction be issued to re-fix the seniority after antedating the promotion, with all other consequential benefits. According to learned Senior Counsel, the action of Respondent No. 1 in giving promotion from the date of interview is in violation of Clause 6.3.12(a) of 2010 Regulations which provides that if a candidate applies for promotion on completion of minimum eligibility period and is successful, the date of promotion will be from that of minimum period of eligibility and that the case of the Petitioner is squarely covered by the judgments of this Court in ***Dr. Kiran Gupta v. The University of Delhi and Ors., 2021:DHC:865*** and ***Dr. Mahavir Singh Kalon v. University of Delhi through its Registrar & Ors., 2023:DHC:4164***.

4. Short affidavit has been filed on behalf of Respondent No. 1 in which it is candidly admitted that the case of the Petitioner is covered by the aforementioned judgments as also Clause 6.3.12(a) of 2010 Regulations and that Respondent No. 1 intends to grant benefit to the Petitioner in compliance with the said judgments. Learned Senior Standing Counsel for



Respondent No. 1, however, prays for 8 to 12 weeks to modify the impugned order and grant consequential benefits to the Petitioner.

5. In light of the judgments of this Court in **Dr. Kiran Gupta (supra)** and **Dr. Mahavir Singh Kalon (supra)** and the fair stand of Respondent No. 1, this writ petition is allowed quashing the impugned order dated 28.02.2024 to the extent promotion has been granted to the Petitioner to the post of Professor (Stage-5) w.e.f. 25.01.2024 under CAS. Promotion of the Petitioner shall relate back to his date of eligibility and he will be entitled to all consequential benefits including re-fixation of his seniority. The entire exercise will be completed within six weeks from the date of receipt of this order.

6. Writ petition stands disposed of in the aforesaid terms.

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7. This writ petition has been preferred on behalf of the Petitioner assailing the order dated 28.02.2024 passed by Jawaharlal Nehru University/Respondent No. 1 to the extent that Petitioner was promoted to the post of Professor (Stage-5) w.e.f. 01.05.2019 instead of the date of eligibility i.e. 01.05.2018.

8. Petitioner was appointed as Associate Professor (Stage-4) at the Centre for the Study of Law and Governance in Respondent No. 1 on 01.05.2015. She completed the minimum period of eligibility for consideration for promotion to the post of Professor on 01.05.2018 under Career Advancement Scheme (CAS) as per 2010 Regulations. It is urged by learned Senior Counsel for the Petitioner that an Associate Professor, on completion of 3 years of service in Stage-4 and possessing a Ph.D. degree in the relevant discipline is eligible to be appointed as Professor in the next



higher grade i.e. Stage-5. Petitioner applied for promotion on 16.07.2021 and appeared for the interview before the Selection Committee on 25.01.2024. On 28.02.2024, Office Order was issued by Respondent No. 1 notifying the promotion of the Petitioner as Professor (Stage-5) under CAS in Academic Level-14 w.e.f. 01.05.2019. Petitioner was required to exercise her option to have her pay fixed either from the date of promotion or from the date on which his next increment fell due in the lower post. Petitioner responded on 21.03.2024 objecting to her promotion from 01.05.2019 instead of the date of completion of minimum period of eligibility for promotion and also made a representation on 21.03.2024 to this effect. The representation was rejected on 25.04.2024 and thereafter Petitioner filed this petition.

9. Learned Senior Counsel for the Petitioner argues that Petitioner has been wrongly promoted to the post of Professor (Stage-5) w.e.f. 01.05.2019 instead of the date of her eligibility i.e. 01.05.2018 and therefore, a direction be issued to Respondent No. 1 to promote the Petitioner from the date she acquired eligibility. It is urged that Petitioner has suffered a loss of 1 year in seniority and therefore a direction be issued to re-fix the seniority after antedating the promotion, with all other consequential benefits. According to learned Senior Counsel, the action of Respondent No. 1 in giving promotion from a later date is in violation of Clause 6.3.12(a) of 2010 Regulations which provides that if a candidate applies for promotion on completion of minimum eligibility period and is successful, the date of promotion will be from that of minimum period of eligibility and that the case of the Petitioner is squarely covered by the judgments of this Court in **Dr. Kiran Gupta (supra)** and **Dr. Mahavir Singh Kalon (supra)**.



10. Short affidavit has been filed on behalf of Respondent No. 1 in which it is candidly admitted that the case of the Petitioner is covered by the aforementioned judgments as also Clause 6.3.12(a) of 2010 Regulations and that Respondent No. 1 intends to grant benefit to the Petitioner in compliance with the said judgments. Learned Senior Standing Counsel for Respondent No. 1, however, prays for 8 to 12 weeks to modify the impugned order and grant consequential benefits to the Petitioner.

11. In light of the judgments of this Court in **Dr. Kiran Gupta (supra)** and **Dr. Mahavir Singh Kalon (supra)** and the fair stand of Respondent No. 1, this writ petition is allowed quashing the impugned order dated 28.02.2024 to the extent promotion has been granted to the Petitioner to the post of Professor (Stage-5) w.e.f. 01.05.2019 under CAS. Promotion of the Petitioner shall relate back to her date of eligibility and she will be entitled to all consequential benefits including re-fixation of her seniority. The entire exercise will be completed within six weeks from the date of receipt of this order.

12. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 20, 2024/shivam