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

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+ W.P.(C) 12182/2024

DR NEERA NARANG

.....Petitioner

Through: Mr. Karandeep Singh Rekhi,
Advocate.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal and
Mr.Hardik Rupal, Advocates for Respondent/DU.

121

+ W.P.(C) 12238/2024

DR ALKA BEHARI

.....Petitioner

Through: Mr. Karandeep Singh Rekhi,
Advocate.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal and
Mr.Hardik Rupal, Advocates for Respondent/DU.

122

+ W.P.(C) 12334/2024

DR SAILAJA CHENNAT

.....Petitioner

Through: Mr. Karandeep Singh Rekhi,
Advocate.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal and
Mr.Hardik Rupal, Advocates for Respondent/DU.



123

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W.P.(C) 12490/2024

DR VANDANA SAXENA

.....Petitioner

Through: Mr. Karandeep Singh Rekhi,
Advocate.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal and
Mr.Hardik Rupal, Advocates for Respondent/DU.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

25.09.2024

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1. W.P.(C) 12182/2024 has been preferred on behalf of the Petitioner/Dr. Neera Narang under Article 226 of the Constitution of India seeking the following reliefs:

“(i) Issue a writ of certiorari thereby quashing and setting aside resolution dated 01-02.07.2019 of Respondent No.3 i.e., the Executive Council to the extent that Petitioner is promoted to the post of Professor (Stage 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.04.2014; AND

(ii) Issue a writ of certiorari thereby quashing and setting aside order dated 11.07.2019 & 25.09.2019 passed by Respondent No.1 to the extent that Petitioner is promoted to the post of Professor (Stage 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.04.2014; AND

(iii) Issue a writ of mandamus to Respondents thereby directing them to correct and re-fix the seniority of the Petitioner in the grade of Professor (Stage 5) from the actual date of her eligibility i.e., 01.04.2014 instead of date of interview i.e., 12.05.2019 with all consequential benefits.”

2. W.P.(C) 12238/2024 has been preferred on behalf of the Petitioner/Dr. Alka Behari under Article 226 of the Constitution of India seeking the following reliefs:



“(i) issue a writ of certiorari thereby quashing and setting aside resolution dated 01-02.07.2019 of Respondent No.3 i.e., the Executive Council to the extent that Petitioner is promoted to the post of Professor (Stage - 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.02.2015; AND

(ii) issue a writ of certiorari thereby quashing and setting aside order dated 11.07.2019 & 25.09.2019 passed by Respondent No. 1 to the extent that Petitioner is promoted to the post of Professor (Stage 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.02.2015; AND

(iii) Issue a writ of mandamus to Respondents thereby directing them to correct and re-fix the seniority of the Petitioner in the grade of Professor (Stage 5) from the actual date of her eligibility i.e., 01.02.2015 instead of date of interview i.e., 12.05.2019 with all consequential benefits.”

3. W.P.(C) 12334/2024 has been preferred on behalf of the Petitioner/ Dr.Sailaja Chennat under Article 226 of the Constitution of India seeking the following reliefs:

“(i) Issue a writ of certiorari thereby quashing and setting aside resolution dated 01-02.07.2019 of Respondent No.3 i.e., the Executive Council to the extent that Petitioner is promoted to the post of Professor (Stage -5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.12.2014; AND

(ii) Issue a writ of certiorari thereby quashing and setting aside order dated 11.07.2019 & 25.09.2019 passed by Respondent No.1 to the extent that Petitioner is promoted to the post of Professor (Stage - 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.12.2014; AND

(iii) Issue a writ of mandamus to Respondents thereby directing them to correct and re-fix the seniority of the Petitioner in the grade of Professor (Stage - 5) from the actual date of her eligibility i.e., 01.12.2014 instead of date of interview i.e., 12.05.2019 with all consequential benefits.”

4. W.P.(C) 12490/2024 has been preferred on behalf of the Petitioner/Dr.Vandana Saxena under Article 226 of the Constitution of India seeking the following reliefs:

“(i) Issue a writ of certiorari thereby quashing and setting aside resolution dated 01-02.07.2019 of Respondent No.3 i.e., the Executive Council to the extent that Petitioner is promoted to the post of Professor (Stage - 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.03.2014; AND

(ii) Issue a writ of certiorari thereby quashing and setting aside order



dated 11.07.2019 & 25.09.2019 passed by Respondent No. 1 to the extent that Petitioner is promoted to the post of Professor (Stage 5) w.e.f. 12.05.2019 instead of her date of eligibility i.e., 01.03.2014; AND

(iii) Issue a writ of mandamus to Respondents thereby directing them to correct and re-fix the seniority of the Petitioner in the grade of Professor (Stage - 5) from the actual date of her eligibility i.e., 01.03.2014 instead of date of interview i.e., 12.05.2019 with all consequential benefits.”

5. The common grievance ventilated in the present petitions is that while Petitioners have been promoted to the post of Professor (Stage-5) under Career Advancement Scheme (‘CAS’) from 12.05.2019, they ought to have been promoted from the date when they acquired eligibility for promotion to the said post 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 counsel for the Petitioners 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. Therefore, after being recommended for promotion under CAS-2010, through an interview by the Selection Committee, Petitioners should have been promoted from the date they acquired eligibility but were given promotions from the date of the interview i.e. 12.05.2019, which is contrary to Clause 6.3.12(a) of 2010 Regulations which provides that if a candidate applies for promotion on completion of minimum period of eligibility period and is successful, the date of promotion will be from that of minimum period of eligibility and that case of the Petitioners is squarely covered by the judgment of this Court ***Dr. Mahavir Singh Kalon v. University of Delhi through its Registrar &***



Ors., 2023:DHC:4164 and therefore, direction be issued to Respondent No. 1 to promote the Petitioners from the respective dates of their eligibility with consequential benefits including re-fixation of seniority.

6. Mr. Mohinder J.S. Rupal, learned counsel appearing on behalf of Respondent No. 1, on instructions, fairly submits that Petitioners were promoted in the first instance and therefore, their cases are covered by the aforementioned judgment. He, however, seeks a period of eight weeks to take steps to issue fresh promotion orders in consonance with the observations in the judgment.

7. Taking a holistic view of Clause 6.3.12(a) of 2010 Regulations, judgment of this Court in **Dr. Mahavir Singh Kalon (supra)** and the fair stand of Respondent No. 1/Delhi University, these writ petitions are disposed of quashing the impugned Resolution dated 01/02.07.2019 of the Executive Council of Delhi University and the impugned promotion orders dated 11.07.2019 and 25.09.2019 to the extent Petitioners have been promoted from 12.05.2019 instead of the dates of their respective eligibility. Promotions of the Petitioners shall relate back to their dates of eligibility and they will be entitled to all consequential benefits including re-fixation of their seniority. The entire exercise shall be completed by the Respondent No. 1/Delhi University within a period of six weeks from today.

8. Writ petitions stand disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 25, 2024

B.S. Rohella/shivam