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

+ **W.P.(C) 13235/2024**

SHAIKH MUJIBUR RAHEMAN

.....Petitioner

Through: Mr. Anil Nauriya, Ms. Sumita
Hazarika and Ms. Mansi Mehta, Advocates.

versus

JAMIA MILLIA ISLAMIA AND ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Standing
Counsel with Ms. Shweta Singh, Advocate for
Respondents No.1 and 2/JMI.

Ms. Bharathi Raju, SPC for Respondent
No.3/UCI.

Mr. Anshuman Sharma and Mr. Azaz Ahmed,
Advocates for Respondent No.4/UGC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.09.2024

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CM APPL. 55282/2024

1. Exemption 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 a declaration of confirming him to the post of Assistant Professor w.e.f. 09.08.2009 being the date from which he completed the probation period of one year with all consequential benefits available to a regular employee including in-situ promotions from



the said date.

4. The facts to the extent necessary and as narrated in the writ petition are that on 01.05.2008, Jamia Millia Islamia University ('JMI') issued Advertisement No.01/2008-09 inviting applications for various posts in "Programme for the Study of Social Exclusion and Inclusive Policy" in Dr. K.R. Narayanan Centre for Dalit and Minorities Studies, JMI. Being successful in the selection process, Petitioner was appointed as Lecturer on 06.08.2008 against a sanctioned post and regular vacancy, in accordance with the Recruitment Rules and was placed on probation, which was subject to confirmation on the Petitioner securing a Ph.D. Degree.

5. Grievance of the Petitioner as ventilated in the present writ petition is that Petitioner's services have not been confirmed/regularized till date despite the probation period having come to an end in 2010. It is pointed out that UGC had issued a letter to the University in 2009 stating that the posts approved under the various schemes will be treated as 'Project Posts' only, however, in response, Registrar, JMI had written a letter on 02.06.2010 stating that while inviting applications for various posts in the Centre for Dalit Studies, duration of the period of appointments was not mentioned and therefore, the University had advertised these posts and made regular appointments against them. It was admitted in the letter that the Executive Council of JMI had decided in its meeting held on 29.04.2010 to convert probationary appointments of the staff into temporary appointments and it was urged that UGC should consider conversion of these posts to regular, non-planned posts to avoid hardship to the employees. Petitioner further avers that UGC vide letter dated 27.12.2010 approved merger of the Centre for Study of Social Exclusion and Inclusion Policy and constituted a



Committee to look into the ongoing programmes. It is urged that Petitioner has completed 16 years of service as a temporary Lecturer with JMI and despite having been appointed against a regular vacancy by a duly constituted Selection Committee, his services have not till date been confirmed/regularized, which is resulting in loss of several benefits such as no promotion under Career Advancement Scheme, no sabbatical leave, loss of salary etc.

6. Issue notice.

7. Counsels as above accept notice on behalf of the Respondents.

8. From the narrative in the writ petition, it is evident that Petitioner has so far not filed any representation with JMI and has approached the Court directly. Therefore, it would be appropriate at this stage if Petitioner makes a representation and the Competent Authority at JMI looks into the grievances ventilated which do have *prima facie* merit. Petitioner was appointed on 06.08.2008 with JMI as a Lecturer pursuant to an open advertisement published on 01.05.2008 and as the appointment letter indicates his appointment was in a pay scale of Rs.8,000-13,500/- with usual allowances. Petitioner was placed on probation, which was subject to confirmation on the Petitioner securing a Ph.D. Degree. It is a categorical stand of the Petitioner that he was appointed against a regular vacancy and through a rigorous process of selection by a duly constituted Selection Committee. It is not understood why no decision has been taken by JMI till date with respect to probation of the Petitioner despite a passage of 16 years from the date of his appointment.

9. Accordingly, this writ petition is disposed of directing JMI to treat this writ petition as a representation and take a decision thereon within a



period of 08 weeks from the date of receipt of this order. In case JMI finds merit in the contentions of the Petitioner and the legal issues flagged by him, consequential benefits shall be granted to him. In case, for any reasons, the decision is otherwise, a reasoned and speaking order shall be passed which will be communicated to the Petitioner within a week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies, if so advised.

JYOTI SINGH, J

SEPTEMBER 20, 2024

B.S. Rohella