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

+ **W.P.(C) 14822/2024**

MALLARIKA SINHA ROY & ANR.

.....Petitioners

Through: Mr. Abhik Chimni, Ms. Pranjal Abrol, Ms. Isha Ahalawat and Mr. Maarooof, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY

.....Respondent

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.10.2024

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CM APPL. 62292/2024

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 Petitioners under Article 226 of the Constitution of India for a direction to the Respondent University to process the case of the Petitioners for promotion under the Career Advancement Scheme ('CAS') from the date of their eligibility.
4. It is averred in the petition that Petitioner No.1 was appointed as Assistant Professor on 04.10.2012 and Petitioner No.2 was appointed as Assistant Professor on 09.04.2013. Thereafter Petitioner No.2 was promoted as Assistant Professor (Academic Level 11) w.e.f. 16.08.2014. Petitioner



No.1 is alleged to have become eligible for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Academic Level 11) on 04.10.2016 and likewise, Petitioner No.2 has become eligible for promotion from Assistant Professor (Academic Level 11) to Assistant Professor (Academic Level 12) on 16.08.2019 and thereafter to promotions for Academic Levels 12 and 13A.

5. The limited grievance involved in the present petition is that the Petitioners are not being considered for promotion under the CAS despite their eligibility from the dates mentioned in the writ petition. Mr. Abhik Chimni, learned counsel for the Petitioners submits that at this stage, Petitioners will be satisfied if this writ petition is treated as a representation and a direction is issued to the Respondent to take a decision and consider their cases for promotion.

6. Issue notice.

7. Mr. Vasanth Rajasekaran, learned Senior Standing Counsel appearing on advance copy of the writ petition, on instructions, submits that Petitioners are not eligible as per applicable Regulations and therefore their cases for promotion have not be considered so far.

8. Without entering into the merits of the case at this stage, this writ petition is disposed of with a direction to the Respondent to treat the present writ petition as a representation and take a considered decision with respect to the grievances flagged by the Petitioners in the writ petition. In case, the Petitioners are eligible under CAS for promotion, their cases will be considered in accordance with the applicable Regulations. If for any justified reason, the decision is otherwise, a reasoned and speaking order shall be passed thereon, which shall be communicated to the Petitioners within one



week from the date of the decision and Petitioners shall be at liberty to take recourse to appropriate legal remedies in case of any surviving grievance. The decision shall be taken by the Respondent within six weeks from the date of receipt of this order.

JYOTI SINGH, J

OCTOBER 22, 2024/B.S. Rohella/shivam