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

+ **W.P.(C) 9171/2018**

JOHN M MIR AND ORS.

.....Petitioners

Through: Mr. V.S.R. Krishna, Advocate.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Mukesh Kumar Pandey, Mr. Sarvan
Kumar and Mr. Vinay Kumar Shukla, Advocates
for Respondent No.1/IOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

14.11.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:

“a. Issue appropriate writ, order or direction including a writ of mandamus or any other appropriate writ/order directing the Respondents to create parity/equivalence between the posts of Information Scientists and Assistant Librarians;

b. provide benefits such Career Advancement Scheme (CAS), and other Promotional Avenues, Seniority etc. to the Information Scientists from the date of initial appointment;

c. Provide the benefit of such parity to the Petitioners herein from the date they became due and in that light provide the Petitioners with all accruing benefits including promotion, revision of pay scale, etc. from the date such benefit became due;”

2. Facts to the extent necessary are that post of Information Scientist was created by University Grants Commission (UGC) in 1995 under the Information and Library Network (INFLIBNET) Programme to implement policy of INFLIBNET in computerisation/automation of University libraries



as non-vacation academic post in the pay scale of Rs.2200-4000/- (pre-revised). Petitioners joined the said post on different dates between 2005 to 2013 in various Universities.

3. It is averred that in 2003, a report was rendered by the Sub-Group of Joint Review Committee on Reforms (Professor E. Rama Reddy, UGC Report of JCRC-2003), suggesting reforms in Cadre Recruitment Rules and one of the recommendation was to treat the post of Information Scientist at par with post of Assistant Librarian so that promotion channel to the post of Deputy Librarian may be available to the persons working as Information Scientists. As per reply to an application under the Right to Information Act, 2005 on 25.07.2008, posts of Lecturers and Assistant Librarians in Universities and College Librarians having a pay scale of Rs.8000-13500/- are equivalent to the post of Information Scientist. Through further information under the RTI Act, Petitioners received copy of letter dated 11.08.2010 sent by UGC to Ministry of Human Resource Development ('MHRD'). This letter was in reference to a letter dated 24.12.2009 received by UGC from MHRD in respect of extension of Career Advancement Scheme (CAS) to Information Scientists of INFLIBNET. UGC brought out in the letter that it had earlier constituted a Committee which had recommended that the post of Information Scientist was equivalent to Assistant Librarian and based on this recommendation approved by UGC, a proposal was sent by UGC to equate the two posts and grant revised pay scales as well as CAS benefits to Information Scientists. After referring to the earlier proposal, vide this letter dated 11.08.2010, UGC again sent a comprehensive proposal to MHRD for giving the aforesaid benefits to Information Scientists. One of the similarly placed persons as the Petitioners



made a representation dated 18.09.2012 to MHRD raising concerns on how Information Scientists were stagnating on the same post without any prospect of career advancement but there was no response.

4. Petitioners aver and urge that in reply to RTI application, UGC vide letter dated 17.11.2016 conceded that post of Information Scientist is an academic post. It is also highlighted that in various State Universities such as those in West Bengal, benefit of CAS has been provided to Information Scientists and they have reached to the senior scales upto the post of Professors. Maharashtra State Government has also equalised the post of Information Scientist with Assistant Professor and granted the requisite pay scale. Likewise, CAS benefit has been extended in Kumaun University, Nainital and other Universities in Andhra Pradesh, Bihar and Jammu and Kashmir. UGC issued a letter dated 11.12.2006 taking a position that UGC has not framed any rules, regulations or guidelines for the post of Information Scientist and Universities may take action as per their own bye-laws etc. and as a result, JNTU, Hyderabad extended the CAS benefits to its employees working as Information Scientists. Instances of other Universities have also been mentioned in the writ petition and Petitioners urge that consistent efforts through representations made by the Petitioners for promotional avenues and revision of pay scales etc. having failed, they had no option but to approach this Court.

5. Learned counsel for the Petitioners submits that this writ petition highlights a sorry state of affairs where Petitioners having been appointed as Information Scientists in various Universities between 2005 to 2013 are stagnating on the same post as no promotional avenues are provided for and there is no hope of any career progression. Every employee aspires for a



career progression during his tenure in any employment and the right of the Petitioners to seek career advancement by way of promotional avenues is a fundamental right. It is further urged that the Sub-Group of Joint Review Committee on reforms in Cadre Recruitment Rules had recommended way back in 2003 to treat the post of Information Scientist at par with Assistant Librarian so that one promotional channel to the post of Deputy Librarian could be available. UGC has over a period of time sent several comprehensive proposals recommending benefits such as higher pay scales and promotions under CAS to MHRD, however, without any justifiable reason, the proposals have not been accepted. Several State Universities across the country have extended the benefit of CAS to Information Scientists and yet despite all the favourable recommendations, Petitioners are being deprived of promotional avenues. It is also conceded in responses to the RTI applications that post of Information Scientist is equivalent to a Lecturer and Assistant Librarian in the University and Librarian in a College and significantly, even the Committee constituted by UGC recommended that the post can be equated and revised pay scale as well as benefit of CAS can be granted to Information Scientists. Learned counsel for the Petitioners urges the Court to pass directions to the Respondents to re-examine the matter expeditiously so that Petitioners do not stagnate any further.

6. Mr. Shukla, learned CGSC appears on behalf of Respondent No. 1/Union of India *albeit* it be noted that right of Respondent No. 1 to file counter affidavit was closed by learned Registrar vide order dated 07.05.2024 and no application has been filed for recall of the order. He submits that it is the domain of Respondent No. 1 to decide equivalence in posts and this Court cannot be called upon to exercise power of judicial



review to hold that the post of Information Scientist is equivalent to Assistant Librarian, more so, when the MHRD is even disputing that the post is an academic post.

7. Counter affidavit has been filed on behalf of UGC in which it is stated that post of Information Scientist was created by UGC under INFLIBNET Programme in 1995 to implement policy of computerisation/automation in libraries in the Universities and was created as a 'non-vacation academic post' in all State/Central/deemed Universities' libraries for a period of 05 years from the date of implementation of the Scheme/Programme. Under the INFLIBNET Programme, UGC was required to provide funds for 05 years and thereafter the liability was shifted to concerned State Governments/Universities. Subsequently, vide letter dated 17.04.2009, communicated to MHRD, UGC constituted a Joint Review Committee (JCRC) on uniform staffing pattern of non-teaching staff, which recommended that keeping in view the mode of recruitment, scales of pay prescribed and nature of duties attached to the post of Information Scientist, categorised as non-vacation academic post, Information Scientist in the Library system should be treated at par with Assistant Librarian, for all purposes like CAS, age of superannuation etc. However, MHRD vide letter dated 03.09.2009 communicated its non-acceptance to the proposal and communicated that the post be dealt with in accordance with Central Civil Services (Revised Pay) Rules, 2008 applicable to non-academic posts. UGC has adopted a position in the counter affidavit that it does not frame rules or regulations for the post and it is for the concerned Universities/States to take a decision.



8. Heard learned counsel for the Petitioners and learned CGSC for Respondent No. 1.

9. By this writ petition, Petitioners seek a direction to the Respondents to grant parity/equivalence between the posts of Information Scientist and Assistant Librarian and consequentially provide promotional avenues such as benefit under CAS, enhancement in age of superannuation etc. From a conjoint reading of the writ petition and the documents appended thereto as also the stand of the UGC reflected in its letters and the short counter affidavit before this Court, it emerges that post of Information Scientist was created by UGC under INFLIBNET Programme in 1995 to implement the policy of computerisation/automation in Universities' libraries. UGC has taken a categorical stand that the post was created as a '*non-vacation academic post*' in all State/Central/deemed Universities' libraries *albeit* for 05 years for which UGC provided funds/assistance and subsequently, the liabilities including financial were shifted to the concerned State Governments/Universities.

10. Consistent stand of UGC has been that the post of Information Scientist is a non-vacation academic post and this position is also clear from the counter affidavit filed before this Court. Significantly in its letter dated 11.08.2010 to MHRD, UGC pointed out that it had earlier constituted a Committee to look into the issue and the Committee recommended equivalence between the post of Information Scientist and Assistant Librarian and consequently UGC had proposed grant of revised pay scales as well as benefit under CAS to Information Scientists. By this letter, once again UGC sent a comprehensive proposal, but MHRD rejected the same vide letter dated 03.09.2009. The recommendation was sent after examining



the mode of recruitment, pay scales, nature of duties of the post of Information Scientist and it was reiterated that the said post is a non-vacation academic post. While UGC strongly recommended for accepting the proposal, it is seen from the letter dated 03.09.2009 that MHRD has simply rejected the proposal by stating that the recommendation cannot be accepted and the post be dealt with in accordance with CCS (Revised Pay) Rules, 2008 as applicable to non-academic post.

11. Court is unable to discern any reason or factor that weighed with MHRD to reject the proposal considering that UGC is also an expert body in the field and totally equipped and competent to give recommendations on equivalence of posts. As per UGC, the post of Information Scientist is a non-vacation academic post and it is not understood how MHRD has treated the same as a non-academic post. While taking a decision, Respondent No. 1 seems to have overlooked the report of the Sub-Group of Joint Review Committee on reforms in the Cadre Recruitment Rules wherein it was recommended that post of Information Scientist be treated at par with the post of Assistant Librarian. From the writ petition, it also emerges that several State Universities, some of which have alluded to above, have granted the benefits of CAS to the Information Scientists so that they have promotional avenues. This position is uncontroverted as Respondent No. 1 has chosen not to file a counter affidavit.

12. It is a settled position that it is not for the Court to decide the equivalence of posts. It is however equally settled that employees have a right to seek promotional avenues during the tenure of their service. It is a common ground between the parties that the post of Information Scientist has no promotional avenues till date and which is why the Joint Review



Committee has suggested that the post be equated with the post of Assistant Librarian so that at least one promotion to the post of Deputy Librarian is available to Information Scientist. UGC has consistently recommended equivalence of the post to the post of Assistant Librarian recording that the post of Information Scientist is a non-vacation academic post. Petitioners have made several representations pointing out that many State Universities and private Universities have granted benefits of higher pay scales and CAS to the Information Scientist but all these factors seem to have been glossed over by Respondent No. 1 and as the letter dated 03.09.2009 indicates there is no reasoning to reject the proposal of UGC.

13. In view of the above, I am of the view that the issue requires re-consideration and re-visitation by Respondent No. 1. Accordingly, without entering into the merits of the case, this writ petition is disposed of with a direction to Respondent No. 1 to examine the issues flagged by the Petitioners by treating this writ petition as a representation and to take a decision afresh. The decision will be taken keeping in view that the Petitioners are stagnating in the post of Information Scientist from the date of their respective appointments and have not received any promotion and/or upgradation in the pay scales despite the post having been classified as non-vacation academic post by UGC. Respondent No. 1 will also take into account recommendations of Sub-Group of Joint Review Committee and the UGC to equate the post with Assistant Librarian so that benefits under CAS etc. can be given to the holders of the post of Information Scientist. Since Respondent No. 1 has also joined issues with the UGC for treating the said post as a non-vacation academic post, even on this aspect the MHRD will re-examine the matter.



14. It is directed that the decision will be taken within a period of three months from the date of receipt of this order and needless to state if the decision is in favour of the Petitioners, consequential steps will be taken for its implementation. If for any reason, the decision is otherwise, a reasoned and speaking order shall be passed which will be communicated to the Petitioners within one week from the decision. Petitioners are at liberty to take recourse to legal remedies, in case of any surviving grievance.

JYOTI SINGH, J

NOVEMBER 14, 2024

B.S. Rohella/shivam