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

+ W.P.(C) 11733/2024 & CM APPLs. 48821/2024 & 68890/2024

MS SONAL MEHTA

.....Petitioner

Through: Mr. Sanjeev Chopra, Mr. A.K. Giri
and Mr. Deepak, Advocates.

versus

NETAJI SUBHAS UNIVERSITY
OF TECHNOLOGY

.....Respondent

Through: Mr. Rahul Sharma and Ms. Mani
Kant, Advocates for NSUT.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.02.2025

1. The petitioner applied for the post of a Physiotherapist with the respondent – Netaji Subhas University of Technology on a part-time basis, pursuant to an advertisement issued in the year 2019. She was offered the post by a letter dated 02.01.2020. The offer letter records that she was to attend the University for two hours a day, twice a week. Her engagement, on these terms, was thereafter continued from time to time.
2. The petitioner has approached this Court under Article 226 of the Constitution, when the University issued an advertisement dated 02.08.2024 for recruitment of Part-Time Doctors and Paramedical Staff, including a Physiotherapist. In the writ petition, the petitioner has challenged the aforesaid advertisement; an Office Order dated 08.08.2024 - constituting a committee for appointment, and also sought a direction

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upon the respondent to extend her tenure until the appointment of permanent employee as a Physiotherapist in the University is made. The prayer clause is reproduced below:

“i. Issue a writ of certiorari or any other appropriate writ, order or direction, thereby calling for records and quashing the Advertisement dated 02.08.2024 issued by the Respondent University only to the extent that applications were invited from the Doctors and Paramedical Staffs on part time basis for appointment to the post of Physiotherapist.

ii. Issue a writ of certiorari or any other appropriate writ, order or direction, thereby calling for records and quashing the office order dated 08.08.2024 issued by the Assistant Registrar (Admin) of the Respondent University vide which a committee was constituted for appointment of Part-Time Doctors and Para-Medical Staff as advertised by the Respondent University only to the extent of post of physiotherapist

iii. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent to extend the tenure of the petitioner as a Physiotherapist till appointment of permanent employees as Physiotherapist in the Respondent University.”

3. By an *ad interim* order dated 27.08.2024, while issuing notice in the writ petition, the Court directed as follows:

“4. Since the present engagement of the Petitioner is up to 30.09.2024, list this petition for final hearing on 23.09.2024.

5. Till the next date of hearing, the services of the Petitioner will not be dispensed with.”

4. Although the petitioner's engagement has admittedly lapsed on 30.09.2024, she is continuing on the strength of the aforesaid order.

5. In the meanwhile, the University has filed an affidavit dated 19.10.2024, in which a notification dated 20.09.2024 has been placed on record, whereby the advertisement dated 02.08.2024 has been withdrawn. Consequently, the relief sought in Prayers (i) and (ii) of the writ petition no longer survives.

6. With regard to Prayer (iii) of the writ petition, the affidavit states as



follows:

“9. It is submitted that the work of the Petitioner is not of perennial nature. There is no sanctioned post of Physiotherapist in the University. The petitioner was engaged for 2 hrs/day twice a week for providing physiotherapy services as required by the students/teachers/staff.

10. Further, it is submitted that the entire advertisement dated 02.08.2024 which included services of a Physiotherapist has since been withdrawn and there is no proposal under consideration for hiring a Physiotherapist in the University. As and when a decision is taken to engage the services of a physiotherapist in the University, the application of the Petitioner will be duly considered along with other eligible candidates against the fresh advertisement if she applies again.”

[Emphasis supplied.]

7. As stated in the affidavit, learned counsel for the University confirms, upon instructions, that there is no sanctioned post of a Physiotherapist at the University, and the petitioner was engaged on contract, only for four hours a week, in order to provide an additional facility to the students, teachers and staff of the University. He states that the University has given up the proposal for appointment of a Physiotherapist, and in the event such a post is sanctioned in future, a regular appointment will be made in accordance with law. The petitioner will naturally, also be free to participate if she is otherwise eligible.

8. In view of the above, I am of the view that no further orders are required in this writ petition.

9. The writ petition, alongwith the pending applications, stands disposed of.

PRATEEK JALAN, J

FEBRUARY 13, 2025

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