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

+ **W.P.(C) 12131/2025**

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.....Petitioner

Through: Mr. Durgesh Kumar Pandey, Mr.
Akhilesh Srivasthav & Ms. Ritika
Davis Franklin, Advocates.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
THE REPRESENTATION COMMITTEE
(UNDER FR 56(J))**

.....Respondent

Through: Mr. Mohinder J.S. Rupal, Mr.
Hardik Rupal, Ms. Aishwarya
Malhotra & Mr. Vibhu Sharma,
Advocates for R-1.
Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra & Mr. Arnav Mittal,
Advocates for UOI. [M:-
9891088658]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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01.09.2025

1. By an order dated 19.08.2025, it was recorded as follows:-

"1. The petitioner has filed the present petition under Article 226 of the Constitution of India, seeking a direction upon the Representation Committee of the National Council for Teacher Education ["NCTE"] to decide his appeal against an order of premature retirement passed under Rule 56 (j) of the Fundamental Rules.

2. By an order dated 14.06.2024, the petitioner, who was working as a Section Officer in NCTE, was retired under Rule 56 (j). The order provided that he may make an appeal to the



Representation Committee constituted by order of the NCTE dated 19.02.2024. The petitioner filed his appeal on 27.06.2024, but his grievance is that the appeal has not been adjudicated till date.

3. *By order dated 19.02.2024, the NCTE constituted the Representation Committee comprising the following members:*

- a. *Professor M. Jagadesh Kumar, Chairman, University Grants Commission [“UGC”], New Delhi.*
- b. *Sh. P.K. Banerjee, Joint Secretary (Mgt & MC & Scholarship), Ministry of Education, Government of India [“GoI”].*
- c. *Dr. Vikas Gupta, Registrar, University of Delhi (nominated by the Cadre Controlling Authority).*

4. *I am informed that Professor M. Jagadesh Kumar, Chairman, UGC, New Delhi, has since demitted office in April 2025, as a result of which the Representation Committee has to be reconstituted.*

5. *Mr. Mohinder J.S. Rupal, learned counsel for the NCTE, states that the nomination is required to be made by the GoI.*

6. *The NCTE has not yet filed an affidavit. However, Mr. Rupal has handed over a compilation of documents, which are taken on record. It appears therefrom that the petitioner’s appeal was considered by the Representation Committee for the first time only on 11.02.2025, when it was directed that he may appear before the Committee at its next meeting. Several meeting notices were issued from time to time, but the meeting was postponed on each occasion.*

7. *It is a matter of concern that the Representation Committee considered the petitioner’s representation for the first time, eight months after the representation was made, and that no meeting has thereafter been held until the retirement of the Chairman. This is an unsatisfactory state of affairs.*

8. *Mr. Durgesh Kumar Pandey, learned counsel for the petitioner, in fact, submits that under the Office Memorandum dated 28.08.2020, such representations are to be disposed of within a period of two weeks.*

9. *The NCTE is directed to file an affidavit within two weeks, bringing the aforesaid facts on record.*

10. *In the meanwhile, at the request of Mr. Pandey, the Union of India, through the Secretary, Ministry of Education, is impleaded as respondent No. 2 in the writ petition. Amended memo of parties be filed within one week.*

11. *Notice be served upon the Union of India through Ms. Nidhi Raman, learned Central Government Central Counsel, who is requested to take instructions as to when the Representation Committee will be reconstituted. A copy of this order and the records of the case be forwarded by Mr. Pandey to Ms. Raman.*



12. *List the matter in the category of ‘For Admission’ on 01.09.2025.”*

2. Further to the aforesaid order, Ms. Nidhi Raman, learned Central Government Standing Counsel, submits that Union of India [“UOI”] seeks four weeks’ time to inform the Court as to the status of the matter. Ms. Raman has not even been given clear instructions as to whether UOI is responsible for constitution of the Representation Committee of the National Council for Teacher Education.

3. As noted in the order dated 19.08.2025, the order of premature retirement under Rule 56 (j) of the Fundamental Rules was passed against the petitioner more than one year ago on 14.06.2024. His appeal was filed on 27.06.2024, but was not taken up until 11.02.2025. It was decided to call the petitioner at the next meeting, but no meeting has been held thereafter.

4. Evidently, delaying disposal of the petitioner’s representation reduces the time which would be available to him prior to his superannuation, even if the order of premature retirement is revisited. In the present case, Mr. Durgesh Kumar Pandey, learned counsel for the petitioner, states that the order of premature retirement was passed when the petitioner had approximately three years of residual service, out of which more than one year has passed, with hardly any movement on his representation.

5. Mr. Pandey also draws my attention to an Office Memorandum [“OM”], issued by Department of Personnel and Training, dated 28.08.2020. A copy of the OM is handed up to the Court, and is taken on record. Clause 14 of the OM deals with representations against premature



retirement, and reads as follows:

“14. *Representation against Premature Retirement:- After issue of the orders of premature retirement, the concerned Government servant may put up representation for orders otherwise, within three weeks from the date of service of such notice / order and the matter may be placed before Representation Committee along with fresh input, if any. The examination of the representation should be completed by the Cadre Authorities within two weeks from the date of receipt of representation. The Representation Committee considering the representation shall make its recommendations within two weeks from the date of receipt of the reference from the Cadre Authorities concerned and the Appropriate/Appointing Authority should pass its orders within two weeks from the date of receipt of the recommendations of Representation Committee.*”

[Emphasis supplied.]

6. In these circumstances, I am not inclined to allow such a long period to the respondents, even for reconstitution of the committee. The respondents are directed to coordinate with each other, and ensure that the Representation Committee is re-constituted within a period of four weeks from today. The re-constituted Representation Committee is directed to call the petitioner for a hearing within four weeks thereafter, and make recommendation one way or the other, within two weeks thereafter.

7. The writ petition stands disposed of with the aforesaid directions.

8. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

SEPTEMBER 1, 2025

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