



2025:DHC:7030-DB



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

Date of decision: 19.08.2025

+ **W.P.(C) 12488/2025**

NATIONAL INSTITUTE OF HEALTH AND FAMILY
WELFARE & ANR.Petitioner

Through: Mr. Shashank Dixit, CGSC,
Mr. Kunaj Raj, Adv.

versus

PROF. ABDUL MAJEED KHANRespondent

Through: Mr. S.M. Arif, Mr. Mohd.
Amanulla, Ms. Shabnam
Perveen, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 50954/2025 (Exemption)

1. Allowed, subject to all just exceptions

W.P.(C) 12488/2025 & CM APPL. 50955/2025

2. This petition has been filed challenging the Order dated 22.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 845/2023, titled ***Prof. Abdul Majeed Khan v. National Institute of Health & Family Welfare & Anr.***, allowing the said O.A. filed by the respondent herein, with the following directions:

*"6. For the reasons explained herein above,
the OA is allowed with the following
directions:-*

(i) The applicant will be considered for



promotion to the post of Professor under the CAS Scheme from the date the juniors of the applicant were extended promotion, i.e., 03.07.2003.

(i) If a selection process was adopted by the respondents while extending promotion to the juniors in terms of para 7 of the UGC Guidelines issued in the year 1998, the applicant will be subjected to the same selection criteria as adopted by the respondents. To clarify,

(a) in case, the names of the juniors were recommended by the Selection Committee, then the name of the applicant shall also be placed before the Selection Committee and if the recommendations of the Selection Committee finds favour to the applicant, he will be promoted to the post of Professor under the CAS Scheme from 03.07.2003, the date when the juniors of the applicant were extended promotion.

(b) In case, the names of the juniors were not placed before the Selection Committee, the applicant will be promoted from the date of the promotion of his juniors, i.e., 03.07.2003.

(ii) The applicant will be entitled to all consequential benefits that may include arrears of pay and pension on actual basis.”

3. To give a brief background of the facts in which the present petition arises, the respondent was appointed as an Associate Professor/Reader with the petitioner no.1 on 22.11.1991.

4. On 24.12.1998, the University Grants Commission (‘UGC’) issued a UGC Notification on ‘Revision of Pay Scales, minimum Qualification for Appointments of Teachers in Universities, Colleges & Other measures for the Maintenance of Standards, 1998.

5. As far as the post of Professor was concerned, paragraph 7.5.0



of the abovementioned Notification stated that in addition to the sanctioned position of Professors, which must be filled in through direct recruitment through all-India advertisements, promotions may be made from the post of Reader to that of Professor after 8 years of service as Reader. Further, paragraph 7.6.0 laid down the method to be followed for promotion.

6. The UGC, by a letter dated 21.02.2002, issued further clarifications to the said Notification, *inter alia* stating that for promotion from Reader to Professor, a Professor already appointed under direct recruitment would not be eligible for the benefit under the Career Advancement Scheme ('CAS') notified under the above Notification.

7. The respondent was appointed as a Professor by way of direct recruitment on 11.11.2005.

8. The petitioner adopted the UGC Notification on 02.01.2008 with effect from 03.07.2003.

9. The respondent, claiming benefit under the said Notification and its adoption by the petitioners, filed the above O.A before the learned Tribunal seeking anti-dation of his appointment as Professor.

10. As noted hereinabove, the learned Tribunal has allowed the O.A. with the above quoted directions. The learned Tribunal held that the juniors of the respondent had already been extended benefit of the promotions to the post of Professor under the UGC Notification with effect from 03.07.2003, while the respondent had been ignored only for the reason that he had been appointed as a Professor by way of direct recruitment in the year 2005. The learned Tribunal held that the



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case of the respondent should also have been considered along with his juniors, notwithstanding his subsequent appointment in the year 2005.

11. The learned counsel for the petitioners submits that since the UGC Notification was adopted by the petitioner only in the year 2008, by which time the respondent had already been appointed to the post of Professor through direct recruitment, in terms of the clarification dated 21.02.2002 issued by the UGC, the respondent was not entitled to be considered for promotion to the post of Professor under the UGC Notification of 1998.

12. We are unable to accept the above submission of the learned counsel for the petitioners.

13. Though adopted in the year 2008, the UGC Notification came into effect from 03.07.2003. The case of the respondent, therefore, has to be considered as on 03.07.2003, on which date he had not been appointed to the post of Professor through direct recruitment. The bar under the Notification dated 21.02.2002 was, therefore, not applicable to the respondent as on 03.07.2003. We, therefore, find no infirmity in the directions issued by the learned Tribunal.

14. The petition, along with the pending application, is accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 19, 2025/hd/SJ