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

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+ W.P.(C) 1044/2001 & CM 14859/2016 & 24581/2016

RAJNI ABBI & ORS. .... Petitioners

Through: Mr. V.K. Garg, Sr. Adv. with Mr.  
Sagar Saxena, Adv.

versus

UNIVERSITY OF DELHI & ORS. .... Respondents

Through: Mr. Aman Sinha, Sr. Adv. with Mr.  
Pravesh Thakur and Mr. Manu  
Padalia, Advs. for R-1 and R-2.  
Mr. Apoorv Kurup and Mr. A.C.  
Boxipatro, Adv. for R-3/UGC  
Mr. Prabhas Bajaj and Mr. Pranav  
Agrawal, Adv. for Mr. Kirtiman  
Singh, CGSC for the Committee  
Mr. Rajesh Gogna, Adv. for UOI.  
Mr. Bhaskar Vali, Adv. for R-4

**32**

+ W.P.(C) 5801/2005

DR.ANUPAM GOYAL .... Petitioner

Through: Mr. V.K. Garg, Sr. Adv. with Mr.  
Sagar Saxena, Adv.

versus

UNIVERSITY OF DELHI & ORS. .... Respondents

Through: Mr. Aman Sinha, Sr. Adv. with Mr.  
Pravesh Thakur and Mr. Manu  
Padalia, Advs. for R-1 and R-2.  
Mr. Prabhas Bajaj and Mr. Pranav  
Agrawal, Adv. for Mr. Kirtiman  
Singh, CGSC for the Committee

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **23.12.2016**

1. Mr. Prabhas Bajaj and Mr. Pranav Agrawal from the office of Mr.

Kirtiman Singh, learned Central Government Standing Counsel have handed over the final report of the Committee which is taken on record. Copy of the said report has been given to learned counsels for the parties. The relevant portion of the said report is reproduced hereunder:-

*“2. At the outset it is stated that the University of Delhi is a statutory Autonomous Institution established under an Act of Parliament and governed by the Delhi University Act, 1922 and the Statutes and the Ordinances made there-under. All administrative and academic decisions are taken by the University with the approval of its statutory bodies, such as Academic Council, Executive council and Court etc. Ministry of Human Resource Development (MHRD) does not play any role in routine administrative and academic matters including recruitments in the University and its constituent/affiliated Colleges.*

*3. That occurring of vacancies and filling them is a continuous process. MHRD and the University Grants Commission (UGC) repeatedly issue instructions to all the Central Universities including the University of Delhi. However, the onus of filling up the teaching posts lies on Central Universities which are autonomous bodies created under the Acts of Parliament. This issue has been discussed in the Visitor’s Conference of the Vice-Chancellors of the Central Universities held on 4<sup>th</sup> – 5<sup>th</sup> February, 2015 and 4<sup>th</sup> -6<sup>th</sup> November, 2015 which were chaired by the Hon’ble President. In the Vice Chancellor’s Conference, the Vice-Chancellors were exhorted to fill up the vacant position of teachers in a time bound manner. Further, it was also discussed in a meeting of Minister of Human Resource Development with Vice-Chancellors of Central Universities on 18<sup>th</sup> February, 2016 at Suraj Kund (Haryana) and on 6<sup>th</sup> October, 2016 at Varanasi. All Vice Chancellors of Central Universities have been requested in these meetings to fill up the vacant posts at the earliest.*

*4. In compliance with the said order of Hon’ble High Court of Delhi, meetings of the 3-Member Committee had been held on 9.12.2016 and 16.12.2016.*

5. Both these meetings had been attended by all the 3 members of the Committee. With a view to facilitate the task to be accomplished in letter and spirit of the orders passed by the Hon'ble Delhi High Court, representatives of DoPT and of the UGC had also been requested to remain present at the time of the meeting of the Committee. As such, the representative of DoPT as well as the UGC had remained present before the Committee constituted by the Hon'ble Delhi High Court.

6. The matter was discussed at length in the meeting held on 9.12.2016. Broadly speaking, it was brought out in the meeting that there are approximately 600 posts in the Departments / Colleges belonging to the University. Besides and in addition to such 600 posts, there are more than 3500 posts which are there in constituent/affiliated colleges belonging to various trusts / societies and sponsored/maintained by Delhi Government. As observed by the Hon'ble Delhi High Court, instead of filling up of the posts on regular basis through a proper selection process and in accordance with the laid down rules / procedure, a number of posts are held by Adhoc teachers.

7. In the meeting held on 9.12.2016, on behalf of the Government (Ministry of HRD), it had been made clear that the Government is totally committed for regular selection and filling up of all the posts, strictly in accordance with merit and the rules laid down in this behalf. It was appreciated by one and all that holding of regular selection process, in accordance with the rules and the norms laid down in this behalf, is not only an imperative but is also beneficial - both, for the students community as well as the teachers themselves. It was further made clear on behalf of the Ministry of HRD that it is willing to go to any extent to coordinate / cooperate with the authorities of the Delhi University and in pursuit of the Delhi University to fill up all the posts in its own departments / colleges as well as in the constituent/affiliated colleges, strictly on the basis of merit and in accordance with the rules / criteria laid down for this purpose.

8. It was also discussed that the UGC has framed the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) (4th Amendment), Regulations, 2016 prescribing the eligibility criteria and other conditions for selection of teachers. The Hon'ble Supreme Court in its judgments, including its judgment in *Kalyani Mathivanan Vs. K.V. Jeyaraj & Ors.*, (2015) 6 SCC 363 - has already held that the criterion laid down by the UGC is required to be mandatorily followed by all Central Universities.

9. Delhi University is a Central University set up by an Act of Parliament. It is obliged, without exception, to strict adherence to the eligibility criteria and qualifications laid down by the UGC for holding any selection process for appointment of teachers.

10. It was, thus, considered necessary that whatever steps which are required to be taken by the DU for getting on to the same page, for adhering to the norms laid down by the UGC, should be carried out as expeditiously as possible. The VC of DU assured that he would take appropriate steps for completing this process and requested for one week's time.

11. As such, the Committee had decided to hold its next meeting on 16.12.2016.

12. The VC of the Delhi University was also requested that in the next meeting of the Committee to be held on 16.12.2016, Delhi University should also be in a position to place before the Committee a time-line for conduct of the selection process for filling up of all the posts, on regular basis, as expeditiously as possible.

13. In the meeting held on 16.12.2016, the VC had informed the Committee that in the advertisement to be issued in the month of January 2017 for filling up of 600 posts in the Department / Colleges belonging to the DU, there would not be any difficulty in incorporating the eligibility conditions / qualifications laid down by the UGC.

14. Two Professors of DU, who were present before the Committee on 16.12.2016, had requested the

*Committee to keep one relevant factor in mind that whereas Delhi University would find it less cumbersome to undertake the process of filling up 600 posts in its own Departments, it may require some additional time for initiating and completing the process for selection of teachers on regular basis for the approximately 3500 posts in the constituent/affiliated colleges.*

15. *The Committee appreciated the apprehensions expressed by the representatives of the DU and proceeded to agree as follows:*

(a) *With reference to 600 posts in the Departments/Colleges belonging to the DU, the advertisement incorporating the mandatory criteria/qualifications/conditions of the UGC shall be incorporated in the advertisement to be issued by the DU. The text of the advertisement shall be finalized and the issuance of the advertisements shall be completed in the month of January.*

(b) *The screening process for screening the applications received shall commence from 10.2.2017. The process of interviews, with reference to the applications which are screened by the end of February 2017, shall commence from the 1<sup>st</sup> week of March 2017. Similarly, whatever applications will keep on getting screened, the interview process for selection shall be continued in the same manner.*

(c) *The Delhi University shall be able to complete the selection process for these approximately 600 posts by May 2017.*

16. *With reference to approximately 3500 posts in the constituent/affiliated colleges belonging to the various trusts/societies and State Government, it was suggested by the representatives of the DU that:-*

(a) *Broadly speaking, the University would desire to initiate the selection process for these 3500 posts from 1<sup>st</sup> week of April 2017.*

(b) *The University would endeavor to complete the selection process by July 2017.*

17. *It was agreed by the Committee that it would be appropriate to incorporate in the Minutes of Meeting / its report the above mentioned time-line of May 2017*

*for completion of the selection process for approximately 600 posts belonging to the University and for approximately 3500 posts in the affiliated colleges, by May 2017 and July 2017 respectively. It was also agreed that if there comes any impediment in this process, the concern of the DU and/or the concerned college affiliated with the University, shall be brought before the Hon'ble Delhi High Court for praying for enlargement of time for completion of selection process regarding any particular post. In case of any undue delay in implementation of the time lines, the UGC grants shall be reduced in proportion to the vacant posts.*

18. *It was also decided in the meeting that all the posts to be filled up will be identified by 10<sup>th</sup> January, 2017 and placed on the reservation roster of the University/Colleges. The reservation roster shall be duly certified by the concerned Liaison Officer and that the roster shall also be placed on the website of the University/Colleges. Addressing the concern of the Vice Chancellor of the University of Delhi, it was suggested that the respective Principal and Liaison Officer of the Colleges may be made responsible by the University for correctness of the reservation roster.*

19. *Thereafter, the Delhi University has requested for a discussion once again by the Committee in relation to the time line of May 2017 and July 2017, as mentioned hereinabove. It has been suggested on behalf of the DU that the time-line should be kept open ended and the Committee should only state that the entire selection process on regular basis shall be completed at the earliest. In other words, it is the suggestion on behalf of the Delhi University that there should not be any time-line for completion of the regular selection process.*

20. *This matter was once again considered by the other members of the Committee. Both, the Secretary, Ministry of HRD and the learned Additional Solicitor General of India did not find themselves in a position to agree with the above mentioned suggestion made on behalf of the Delhi University and once again*

*emphasized that once it is incorporated in the Report of the Committee that they would take all necessary steps for adhering to the time line of May 2017 and July 2017 respectively for completion of the regular selection process, as stated above, and in accordance with the letter and spirit of the order passed by the Hon'ble Delhi High Court, in the event of any difficulty/impediment, which becomes unsurmountable, the concerned Department/college will be at liberty to approach the Hon'ble Court for enlargement of time, and this would take care of the apprehension expressed on behalf of the Delhi University."*

2. After some hearing, the Report of the Committee is accepted. The Delhi University shall take all steps to implement the Report.
3. Learned senior counsel for Delhi University submits on instructions that appointment process has been initiated and Delhi University is taking all necessary steps. However, it may not be feasible to meet the time lines mentioned in para 20 of the Report and the University may seek further directions from this Court for extension of time or in case of any other practical difficulty. It is further submitted that the Delhi University shall also place its view point before this Court. Liberty is given to do so.
4. List for further hearing on 30<sup>th</sup> January, 2017.
5. This Court appreciates the efforts made by the Committee members to deliberate upon the issues and expeditiously submit the Report to this Court.
6. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

**J.R. MIDHA, J.**

**DECEMBER 23, 2016**

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