



2026:DHC:7596-DB



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

# **CNR No. DLHC012627322016**

+ **W.P.(C) 9406/2016**

**GOVT OF NCT OF DELHI AND ORS** .....Petitioners

Through: Mrs. Avnish Ahlawat, Standing  
Counsel (Services) with Mr. Nitesh Kumar  
Singh, Advocate  
Mr. B.S. Rawat CI DTTE

versus

**VEENA JETLY AND ORS** .....Respondents

Through: Mr. Sourabh Ahuja, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE VINOD KUMAR**

**JUDGMENT (ORAL)**

% **02.09.2026**

**C. HARI SHANKAR, J.**

1. Respondent 1<sup>1</sup> joined as Demonstrator in the Electronics Department in the Meera Bai Polytechnic under the Government of National Capital Territory of Delhi<sup>2</sup>.

2. The Government of India, in 1972, constituted a committee under the Chairmanship of Prof. P.J. Madan to ameliorate the staff structure and teaching standards in engineering and polytechnic institutions across India. The Committee came to be known as the

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<sup>1</sup> "the respondent", hereinafter

<sup>2</sup> "GNCTD" hereinafter



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“Madan Committee”. Following the recommendations of the Madan Committee, a revised staffing scheme was introduced in polytechnics in the Union Territory of Delhi on 25 September 1987. Existing incumbents in the said polytechnics were granted 8 years’ time to improve their qualifications and become eligible for induction under the said scheme. On 13 July 1988, the Directorate of Training and Technical Education<sup>3</sup>, GNCTD, adopted the recommendations of the Madan Committee and the scheme framed thereunder, under which the lowest rank in the training cadre was the post of Lecturer.

3. Following this, on 7 March 1989, the Department of Education<sup>4</sup>, Ministry of Human Resource Development issued the following communication to the DTTE:

“No. F.1-32/88.T.10  
Government of India  
Ministry of Human Resource Development  
(Department of Education)

New Delhi, 7<sup>th</sup> March, 1989

Mrs. B. Prasad,  
Secretary & Director,  
Directorate of Technical Education,  
Delhi Administration,  
Rouse Avenue,  
New Delhi - 110002

Sub: Implementation of Madan Committee —TTTI qualification  
for the post of Lecturer in Polytechnics.

I am directed to refer to your D.O.No.F.127/5/78-TE/4 dated 30 Jan, 1989 addressed to Prof. Ashoka Chandra, Educational Adviser (T) regarding the subject cited above convey the approval of Government of India to grant time relaxation in the prescribed qualification of notification recruitment rules permitting to upgrade/absorb those teachers in Polytechnics to the post of

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<sup>3</sup> “DTTE” hereinafter

<sup>4</sup> “DOE” hereinafter



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Lecturer who possess alternative qualification already approved by All India Council for Technical Education i.e. diploma in appropriate of engineering plus Technical Teachers' Training and 5 years teaching/professional experience. Such a relaxation will only be for absorption to the of Lecturer and the incumbents will not be entitled for of the notified recruitment rules).

This issues with the approval of Educational Secretary. Issue of re-starting the TTTI diploma course by TTTI shall be considered separately on its merit.

Yours faithfully,

Sd/-

(S.N. Chakrabarti)

Deputy Educational Advisor (Technical)”

Thus, the aforesaid communication from the DOE granted a one-time relaxation to teachers in polytechnics to be absorbed as Lecturers if they possessed a diploma in the appropriate engineering branch along with a diploma in technical training from the Technical Teachers Training Institute<sup>5</sup> and 5 years’ training/professional experience. Possession of these qualifications and experience would entitle such teachers, as a one-time relaxation, to be absorbed as Lecturers. Further promotion would, however, be subject to fulfilment, by them, of the conditions stipulated in the applicable Recruitment Rules<sup>6</sup>.

4. On 11 October 1993, DTTE notified amendment to the RRs, providing for qualifications for recruitment as Lecturers. The notification added the following note to the applicable RRs:

“NOTE:

The suitability of the regular holders of the post of Jr. Lecturer /Sr. Drawing Instructor/Assistant Workshop Superintendent/Foreman (Printing/Sr. Technical Assistant in the scale of a pay of Rs.2000-

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<sup>5</sup> “TTTI” hereinafter

<sup>6</sup> “RRs” hereinafter



3200 with 5 year's regular service in the post and Demonstrators/Instructors/ Survey Instructors/Drawing Instructor/Technician/Studio Assistant/Draftsman in the scale of pay of ₹ 1640-2900 with 7 years' regular service in the post possessing degree in Engineering (for Lecturers of Engineering Discipline) and Master's Degree in Humanities/Science (for Lecturers in Humanities/Science) will be initially assessed by the Commission for appointment to the upgraded post of Lecturer/Lady Lecturer in the scale of pay of ₹ 2200-4000. If assessed suitable, they shall be deemed to have been appointed to the upgraded post at the initial constitution. If not, they will continue to be in their existing scales of pay and their cases will be reviewed every year".

5. Thus, the amendment to the RRs did not provide for a diploma in engineering, along with a diploma in technical training from the TTTI and 5 years training/professional experience as sufficient to recruit or absorb anyone as Lecturer. In other words, the alternate qualifications mentioned in the DOE letter dated 7 March 1989 did not find any place in the RRs as amended by notification dated 11 October 1993.

6. On 1 January 1993, the respondent was appointed to the upgraded post of lecturer on *ad hoc* basis.

7. The DTTE admittedly addressed several representations to the Union Public Service Commission<sup>7</sup>, seeking permission to absorb the *ad hoc* appointee lecturers, including the respondent, as regular lecturers. However, the UPSC did not agree, as there was no provision in the RRs for the post of lecturer, envisaging possession of a diploma in the appropriate engineering branch, a diploma in technical training from TTTI and 5 years' training/professional experience as suitable

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<sup>7</sup> "UPSC" hereinafter



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qualifications to entitle an incumbent to be appointed as lecturer, and there was, equally, no provision permitting relaxation of the prescribed qualifications.

**8.** The respondent, in these circumstances, approached the Central Administrative Tribunal<sup>8</sup> by way of OA 1856/2002, which was disposed of, by the Tribunal, by order dated 18 July 2022, with a direction to the DTTE to decide the respondent's representation.

**9.** By order dated 18 September 2022, the DTTE rejected the representation of the respondent, aggrieved by which the respondent re-approached the Tribunal by way of OA 2653/2002, which was dismissed by the Tribunal by order dated 29 July 2023.

**10.** The respondent approached the Tribunal a third time by way of OA 3018/2022, which was disposed of, by the Tribunal, by the judgment dated 6 November 2025, against which the present writ petition has been preferred.

**11.** In the said OA, the respondent prayed for a direction to the DTTE to accept the Madan Committee's recommendations, upgrade the respondent as a lecturer by virtue of the fact that she possessed the alternate qualifications envisaged by the DOE communication dated 7 March 1989, along with consequential reliefs.

**12.** The respondent submitted, before the Tribunal, that the DOE had itself sponsored her case for acquiring the diploma in technical



training from the TTTI, only so as to ensure that she fulfilled the alternate qualification for absorption as lecturer as envisaged by DOE letter dated 7 March 1989. Following the said sponsorship, the respondent successfully completed her diploma from the TTTI. It was on this basis that the DTTE upgraded the respondent as lecturer on *ad hoc* basis, *vide* order dated 1 January 1993 with effect from 30 June 1992. The lapse, according to the respondent, was entirely on the part of the DOE in failing to amend its RRs to include, therein, the alternate qualification envisaged by the DOE circular dated 7 March 1989 for absorption/recruitment as lecturer. The respondent, it was submitted, could not be made to suffer for this lapse. It was further submitted that the DOE had failed to act on the advice of the UPSC to amend the RRs and include, therein, the qualifications envisaged in the DOE letter dated 7 March 1989 for recruitment/absorption on the post of Lecturer.

**13.** The OA was contested by the UPSC as well as by the DTTE.

**14.** The UPSC submitted that the OA was barred by *res judicata* in view of the dismissal, by the Tribunal, of the earlier OA 2653/2002, instituted by the respondent for the same relief, on 29 July 2003. Further, on merits, it was submitted that, as the respondent did not possess the prescribed qualifications for absorption as lecturer as stipulated in the RRs, and as the RRs contained no provision for relaxation of the prescribed qualifications, the respondent had no enforceable right for being absorbed as lecturer.

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<sup>8</sup> “the Tribunal” hereinafter



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15. The DTTE, in its response, denied the assertion of the respondent that the UPSC had communicated any advice to amend the RRs and include, therein, the alternate qualification for lecturer as envisaged by the DOE circular dated 7 March 1989. The DTTE, even while acknowledging that it had, as requested by the respondent, attempted to secure amendment of RRs, so as to render the respondent eligible for absorption as lecturer, the Services Department of the GNCTD did not accept the request. In that view of the matter, the DTTE also submitted that the respondent had no enforceable right in law.

16. The Tribunal has, in the impugned judgment, first addressed the aspect of *res judicata*. To the plea of *res judicata* advanced by the DTTE, the respondent had sought to contend that, at the time of filing OA 2653/2002, she did not have, with her, the UPSC letter dated 28 November 1994, in which the UPSC had pointed out the error in the RRs. This letter became available to her in 2008 under the provisions of the Right to Information Act 2005. Following the acquisition of this letter, the respondent again represented to the DTTE. Satisfied with the representation, the DTTE wrote to the UPSC on 21 July 2010, again reiterating its request for consideration of the respondent for upgradation as lecturer. The DTTE further informed the respondent, *vide* letter dated 28 May 2012, that there was a proposal to amend the RRs, to include the alternate qualification as envisaged by the DOE circular dated 7 March 1989 for the post of lecturer but that proposal was rejected by the Services Department. This letter, it was sought to be contended, clothe the respondent with a fresh cause of action to approach the Tribunal.



17. Accepting these submissions, the Tribunal has, in the impugned judgment, rejected the plea that the OA was barred by *res judicata*.

18. On merits, the Tribunal has held thus:

“11. From the perusal of the record, it is undisputed that the existing Demonstrators including the applicant were given a time slot of eight years to acquire qualification prescribed for the post of Lecturer under the new RRs in accordance with the recommendations of Madan Committee. The AICTE which is the nodal organisation in the matter of prescribing educational qualification for the posts in technical education institutions, had recommended an alternative qualification of second class diploma in engineering with two years teaching experience together with TTTI diploma for appointment to the post of Lecturer in the Polytechnics. This recommendation was accepted by the Union Government and communicated to Delhi Administration on 07.03.1989 with the modification that the experience required would be five years and not two years. It was made clear that "such relaxation will only before absorption to the post of Lecturer and the incumbents will not be entitled for any further promotion unless he/she acquired requisite qualification of the notified recruitment rules." It is to be noted that this relaxation was specifically for the purpose of absorption. Subsequently, the applicant was sponsored for the TTTI diploma course which she completed from January, 1991 to June, 1992. The applicant was appointed to the post of Lecturer on ad hoc basis with effect from 30.06.1992, vide order dated 01.01.1993. The applicant was, therefore, considered as fulfilling the eligibility conditions for the post of Lecturer following her successful completion of TTTI diploma. The UPSC in its letter dated 28.11.1994 declined to consider regularisation of the cases covered by the relaxation provision stating, inter alia, that the relaxation in educational qualification given by Govt. of India as approved by the AICTE was a onetime relaxation and could not be applied in subsequent cases. Moreover, while amending RRs or issuing umbrella notification, the Administration did not make any provision to incorporate the alternative qualification and, therefore, one time relaxation approved by the Govt. of India in 1989 could not be applied at that stage. The relevant portion of the letter of UPSC dated 28.11.1994 is reproduced below:-



“2. Relaxation in educational qualifications given by the Govt. of India vide their letter No.F. 1-32/ 88.1.10 dated 7.3.89 to consider those teachers who possess alternative qualifications are approved by the All India Council for Technical Education i.e. diploma in appropriate branch of engineering plus Technical Teachers Training Institute and 5 years teaching/ professional experience was a one time relaxation and cannot be applied in subsequent cases. Moreover, while amending the RRs/ issuing umbrella notification, the Administration has not made any provision to incorporate the alternate qualification mentioned above. Under the circumstances, the one time relaxation approved by the Govt. of India in 1989 cannot be made applicable at this stage.”

12. From the aforesaid letter of the UPSC, it can be seen that the main hurdle as perceived by the UPSC was that (i) there was no provision in the notified RRs to relax educational qualification and (ii) UPSC was not clear whether the cases forwarded by respondent No.3 in 1993 were covered by the onetime relaxation granted in 1989 or arose subsequent to that relaxation. From the records it is further seen that though the respondent No.3 furnished to respondent No.2 clarification in respect of the second issue, there was no attempt to resolve the first issue i.e. the amendment of RRs. Rest of the subsequent developments, till date, are nothing but a history of repeated representations by the applicants and movement of proposals again and again to UPSC to reconsider its decision and the latter sticking to its earlier observation dated 28.11.1994 of inadequacy of the RRs so far as the alternative qualification was concerned.

13. In our view, there was a slip up on the part of the respondent No.3 right from the beginning when it did not include the relaxed qualification in the amendment to the RRs notified in 1993. That such omission could not have been a conscious decision of the Competent Authority is substantiated by the fact that the onetime relaxation in qualification was a well-considered decision of the Government of India taking into account the situation prevailing at that time. There is no pleading from the side of the respondents that there was any rethink on the part of the Government and the alternative qualification was deliberately excluded from the RRs notified in 1993. On the contrary, respondent No.3 has moved proposals to UPSC from time to time to reconsider its earlier decision, and later it moved a proposal to respondent No.4 for amendment of the RRs. Therefore, at this stage, it cannot be said that the respondents are not convinced of the fact that the RRs as notified in 1993 ought to have included the alternative qualification as a onetime relaxation for the purpose of



absorption. Having come to such finding, we do not find any reason as to why the respondents should not take *its decision to amend RRs* to its logical conclusion.

14. It is also relevant to mention that the objective behind upgrading the teaching posts along with qualifications was to achieve the overall improvement in the quality of education being imparted in the Polytechnics. The Madan Committee had provided a window of eight years for the existing incumbents who did not possess the required qualification, to acquire that qualification. If the alternative qualification approved by the Ministry of HRD/AICTE was not considered sufficient for absorption, in that case the applicant could not have been retained in the post of Lecturer beyond the window of eight years. Since the report of the Committee was implemented in 1988-89, the eight years period would have ended in 1996-97. The respondents, however, did not do any such thing and, instead, upgraded the applicant after her acquiring the TTTI diploma in 1992, recognising that the applicant possessed the alternative qualification for the post of Lecturer. She was allowed to teach as Lecturer from 1992 till her superannuation. Now it cannot be the case of the respondents that the quality of education would get affected if a person with alternative qualification was allowed to teach as a regular Lecturer but there was no adverse impact when she taught as an ad hoc Lecturer for more than two decades. Obviously, a qualification that is considered good and sufficient for the purposes of teaching as ad hoc Lecturer, cannot be treated as insufficient and undesirable for the purpose of absorption especially when the same had been approved by the competent authority in the past. The lacuna is, therefore, not in the qualification but in the RRs which for some inexplicable reason did not include the alternative qualification approved by the Government in 1989 as a one time relaxation. We further note the averment in the counter filed by the respondent no. 3 that taking a sympathetic view the respondent no. 3, who moved a number of proposals for the absorption of the applicant or to amend the RRs in the past, has again submitted a proposal for the amendment of RRs to the respondent no. 4.

15. Considering the entire conspectus of the case and for the reasons stated above, we direct the respondent No.3, 4 and 2 to complete the process already on hand for amendment of RRs dated 11.10.1993 to include the alternative qualification for the post of Lecturer within a period of two months from the date of receipt of this order. Thereafter, the respondent no.3 and respondent no. 2 shall complete the process of consideration of the applicant for absorption within a period of another two months. The respondent no 3 shall implement the recommendations of the UPSC and grant all consequential benefits including revision of pay following the



recommendations of the Pay Commissions as entitled under the rules, within a period of two months thereafter. The OA stands disposed of with these directions.”

19. Aggrieved by the aforesaid decision, the DTTE, as well as the Services Department of the GNCTD, have approached this Court by means of the present writ petition instituted under Article 226 of the Constitution of India.

20. We have heard Mr. N.K. Singh, learned Counsel for the petitioners and Mr. Sourabh Ahuja, learned Counsel for the respondent.

21. While we feel that, *prima facie*, there was substance even in the contention of the DTTE as advanced before the Tribunal of the respondent’s OA being barred by *res judicata*, we, nonetheless, do not proceed on that track, as we are of the opinion that the OA was devoid of merit as well.

22. The issue in controversy relates to entitlement of the respondent for regularisation in the post of Lecturer as well as for consequential reliefs.

23. Admittedly, during the period in question, RRs were in place for the post of Lecturer in Directorate of Technical Education<sup>9</sup>, GNCTD. The respondent did not possess the prescribed educational qualifications for appointment to the post of lecturer and, as such, her services in that post could not be regularised. Nonetheless, she was

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<sup>9</sup> “DTE” hereinafter



allowed to continue as *ad hoc* lecturer till her superannuation.

24. The Tribunal has, in the impugned order, proceeded on a premise that there was a decision on the part of the GNCTD to amend the RRs for the post of Lecturer in the DTTE and include the qualification of diploma in the appropriate branch of engineering plus training by the TTTI and 5 years' teaching/professional experience.

25. This is clear from para 13 of the impugned order in which the Tribunal has observed that there was no reason why this decision was not taken to its logical conclusion.

26. We have not been shown any document, by Mr Ahuja, which would indicate that there was any decision, even tentative, on the part of the GNCTD, to amend the RRs.

27. In that view of the matter, no fault could be found with the UPSC in its view that the respondent could not be regularised as Lecturer as she failed to fulfil the requisite educational qualifications for the post.

28. Besides, the Tribunal has, in para 15 of the impugned judgment, which contains the operative directions therein, travelled far beyond the pale of its jurisdiction. The Tribunal has issued a positive direction to the DTTE to amend its RRs to include the above alternative qualification for the post of lecturer within two months and has, thereafter, directed consideration of the case of the respondent for regularization for the post of lecturer in the light of such amended



RRs.

**29.** It is trite that Court cannot direct amendment of Rules, much less Recruitment Rules framed under Article 309 of the Constitution of India. The Tribunal, therefore, exceeded its jurisdiction in directing amendment of RRs and issuing consequential directions to consider the case of the respondent in the light of the amended RRs.

**30.** That apart, as we have already noted, the direction to the petitioner to amend the RRs was founded on the mistaken premise that such a decision had tentatively been taken which, for one reason or the other, was not proceeding to its “logical conclusion”. No material to indicate that any such tentative decision had been taken is forthcoming.

**31.** That apart, even if it were to be assumed that any such tentative decision had been taken by the GNCTD, the Court could not, even if it were to be convinced that the decision had, for no legitimate reason, not proceeded further, issue a positive mandamus to the GNCTD to proceed with the decision and amend the RRs.

**32.** Viewed any which way, therefore, we are of the opinion that the impugned judgment is not sustainable on facts or in law.

**33.** For the aforesaid reasons, the impugned judgment is quashed and set aside.



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**34.** The writ petition is allowed accordingly, with no orders as to costs.

**C. HARI SHANKAR, J.**

**VINOD KUMAR, J.**

**SEPTEMBER 2, 2026/dsn**