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

Decided on 08.10.2025

+ W.P.(C) 7411/2018 & CM APPL. 5520/2023

ARADHNA GUTPA

.....Petitioner

Through: Ms. Rashmi B. Singh, Advocate.

versus

JANKI DEVI MEMORAL COLLEGE & ORSRespondents

Through: Mr. Girindra Kumar Pathak, Mr. Navneet Anand, Advocates [M:- 9891175568] with Dr. Kaushal Kishor, AO for R-1.

Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal and Ms. Aishwarya Malhotra, Advocates for DU.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J (ORAL)

1. The petitioner was appointed as a Junior Assistant-cum-Typist in respondent No. 1 – Janki Devi Memorial College [“the College”] on 03.12.1990, and was subsequently promoted to the post of Assistant in 2004.
2. The present writ petition, under Article 226 of the Constitution, arises from her grievance that she was not promoted to the post of Senior Assistant, in accordance with the Recruitment Rules (Non-Teaching Employees), 2008 [“Recruitment Rules”], issued by respondent No. 2 – University of Delhi [“the University”].



3. I have heard Ms. Rashmi B. Singh, learned counsel for the petitioner, and Mr. Girindra Kumar Pathak, learned counsel for the College.

4. The Recruitment Rules provided for three posts of Senior Assistant until the year 2013, whereafter a fourth post was created. Subsequent amendment to the Rules stipulated that the said posts are to be filled by promotion to the extent of 25% on the basis of seniority-cum-fitness, 50% through the Limited Departmental Examination [“LDE”], and 25% by direct recruitment.

5. The petitioner’s challenge pertains to promotions made through the LDE pursuant to a notification dated 02.09.2016 issued by the College, and the appointments made by direct recruitment pursuant to an advertisement dated 21.03.2017.

6. Insofar as the LDE is concerned, the petitioner’s grievance is that, although a notification was issued on 02.09.2016, she was not informed of the date of the examination. On this basis, she has assailed the minutes of the Departmental Promotion Committee [“DPC”] meeting held on 11.07.2017, by which two other employees were promoted pursuant to the LDE conducted on 30.09.2016.

7. In the counter affidavit filed by the College, it has been specifically stated that the petitioner did not apply for the LDE and, therefore, could not be considered for promotion to the post of Senior Assistant. Accordingly, the date of the examination was not notified to her.

8. Although the petitioner has disputed this contention in her rejoinder, there is no averment in the writ petition indicating that she had applied under the LDE. Ms. Singh is also unable to show any such



avermment or supporting document.

9. In fact, several representations were submitted by the petitioner to the College, which have been placed on record alongwith the writ petition. In her first representation dated 27.03.2017, the petitioner raised a grievance regarding the advertisement dated 21.03.2017 for recruitment to the post of Senior Assistant through direct recruitment, alleging that it was issued without first considering eligible candidates for promotion. In its reply dated 17.04.2017, the College specifically stated that two posts of Senior Assistant were to be filled through LDE, and that the process was in its final stage. The petitioner responded on 21.04.2017, but did not claim that she had also applied under the LDE quota, or that she was not informed of the date of the examination. Instead, she reiterated her grievance regarding the initiation of the direct recruitment process.

10. It appears from these documents on record, that the College's contention is correct, and the petitioner had not applied for promotion under the LDE quota. There is no basis in the record to substantiate her belated assertion in the rejoinder that she had, in fact, applied pursuant to the notification dated 02.09.2016. Accordingly, the petitioner's contention regarding any impropriety in the conduct of the promotion process through LDE is rejected.

11. The petitioner's other grievance pertains to the advertisement for direct recruitment dated 21.03.2017. In this regard, the Recruitment Rules clearly provide that 25% of the vacancies are to be filled through direct recruitment. It is not disputed that the vacancy in question was unfilled at the time of issuance of the said notification. In fact, the petitioner's representation dated 27.03.2017 indicates that she was also permitted to



apply for the said vacancy, despite having crossed the maximum age limit. The College, in its letter dated 07.04.2017, categorically denied that any promotional vacancies had been converted into direct recruitment vacancies, and no ground has been pointed out in support of the petitioner's assertion to the contrary.

12. The only remaining question urged by Ms. Singh, is whether the petitioner could have been considered for promotion under the 25% quota reserved for promotion on the basis of seniority-cum-fitness. This issue has not been specifically raised in the writ petition. However, by an order dated 06.09.2024, Mr. Pathak was directed to produce all Annual Performance Appraisal Reports ["APARs"] of the petitioner from 2015–2016 onwards, the minutes of DPC meetings held on 2017, 2020, and 2023, as well as the APAR dossier of an employee who had been promoted despite being junior to the petitioner.

13. As Ms. Singh candidly admits that no such ground was taken in the writ petition, I do not consider it appropriate to consider this issue without first affording the College an opportunity to take an administrative decision in this regard.

14. The petitioner is at liberty to make a representation to the College within a period of two weeks from today, with respect to promotion under the seniority-cum-fitness quota [25% vacancies]. The College will consider, and dispose of the said representation by passing a reasoned order within a period of eight weeks thereafter.

15. I am informed that the petitioner has been compulsorily retired from service pursuant to disciplinary proceedings by an order dated 30.06.2025. She has challenged the said order of retirement by way of



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W.P.(C) 14152/2025 [*Aradhna Gupta v. University of Delhi & Anr.*], which is presently pending before the Division Bench of this Court. It is clarified that the directions issued herein are not intended to prejudice the rights and contentions of the parties in the said writ petition.

16. The writ petition, alongwith pending application, is disposed of with these directions.

PRATEEK JALAN, J

OCTOBER 8, 2025

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