

Prof. P. B. Pankaja vs University Of Delhi And Anr on 17 February, 2023

Author: V. Kameswar Rao

Bench: V. Kameswar Rao

\$~SB-4 & 5

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 10744/2019

PROF. P. B. PANKAJA

Through: Mr. P.B. Suresh, Mr. Kart
Jayashankar, Mr. Prasan
Swati Arya and Mr. Yuvr
Rathore, Advs.

versus

UNIVERSITY OF DELHI AND ANR.

Through: Mr. Mohinder. J.S. Rupal
Hardik Rupal, Advs.
Mr. Apoorv Kurup, Ms. N
and Ms. Swati Bhardwaj,
UGC.

AND

+ W.P.(C) 10789/2019

MANJU ARORA RELAN

Through: Mr. Sanjay Relan, Mr. Sus
Dahiya and Mr. Deepak K
Advs.

versus

UNIVERSITY OF DELHI AND ANR.

Through: Mr. Mohinder. J.S. Rupal
Hardik Rupal, Advs.
Mr. Apoorv Kurup, Ms. N
and Ms. Swati Bhardwaj,
UGC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 17.02.2023

1. The present review petitions have been filed by the respondents seeking view of order / judgment dated March 8, 2021, whereby this Court has allowed the writ petitions by stating as under:

"19. Rather, it is seen that the petitioners have been found fit on their first assessment itself for promotion to the post of Professor. If that be so, the petitioners could not have been denied the promotion from the date of eligibility when the promotion with prospective effect is based on the same material. In fact, I find that by giving the

recommendations prospectively, the Selection Committee has deferred the promotion of the petitioners from May 08, 2009 to June 25, 2019 in W.P.(C) No. 10564/2019; from September 15, 2014 to June 25, 2019 in W.P.(C) No. 10744/2019 and from April 27, 2012 to June 25, 2019 in W.P.(C) No. 10789/2019. The same clearly demonstrates the prejudice that has been caused to the petitioners due to the recommendation of the Selection Committee, promoting the petitioners prospectively from the date of interview.

20. Insofar as the reliance placed by Mr. Rupal on the judgment of the Supreme Court in the case of National Institute of Mental Health and Neuro Sciences (supra) that it is not necessary for the Selection Committee to give reasons for its conclusion, suffice to state, the Supreme Court had given a finding to that effect in cases where the rules do not contemplate so. There is no dispute on the said proposition of law. But in view of reading of the relevant Regulations, which I have already referred to above, surely there must be some expression of the fact / reason in case a teacher is not found fit in a particular year but found fit in a later year. In the absence of such conclusion, it must be said that this teacher is found fit from the date of eligibility.

21. In view of the above, the petitions need to be allowed. The proceedings of the Selection Committee / Executive Council / communication dated July 04, 2019 are set aside to the extent that promotion has been given to the petitioners to the post of Professor is made prospectively i.e. from June 25, 2019. The said promotion shall relate back to their date of eligibility. No costs."

2. On a perusal of the review petitions, I find there are no effective grounds to seek review.

3. In the absence of any grounds for review, the conclusion is, there being no apparent error on the face of the judgment of which review is sought, the review petitions are dismissed.

Dismissed as infructuous.

V. KAMESWAR RAO, J FEBRUARY 17, 2023/jg