

(2011) 05 DEL CK 0070

In the Delhi High Court

Case No : Writ Petition (C) 10321 of 2009 and CM No. 7440 of 2010

Nupur Roy Chowdhury

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 06-05-2011

Acts Referred:

Citation : (2011) 05 DEL CK 0070

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Alope Kumar Bhattacharya, for the Appellant; M.J.S. Rupal and Aravind Varma for DU, for the Respondent

Judgement

Rajiv Sahai Endlaw, J.—The Petitioner employed with the Respondent University of Delhi as a Reader in the Faculty of Music & Fine Arts, claiming to be eligible for consideration for promotion to the post of Professor under the Career Advancement Scheme, 1998 had applied there for and appeared before the Selection Committee in December, 2008 but was not promoted and was advised to apply afresh after one year.

2. This writ petition was filed impugning the aforesaid action of the Respondent University. It was also the case of the Petitioner that though she had applied for promotion after one year in the year 2009 also but no steps were taken by the Respondent University.

3. Notice of the writ petition was issued.

4. On 28th September, 2010 the counsel for the Respondent University informed that the case of the Petitioner for promotion could not be considered in the year 2009 or thereafter because the Selection Committee could not be constituted as there was vacancy of Visitor's nominee in the Selection Committee.

5. Not finding any progress in the constitution of the Selection Committee, vide order dated 28th January, 2011 notice was issued to the Additional Solicitor

General to ensure that the Visitor to the University i.e. the President of India appoints the nominee to the Selection Committee.

6. The Visitor to the University has since appointed a nominee to the Selection Committee. The Petitioner has confined the relief claimed only to expeditious consideration of her case for promotion aforesaid.

7. The counsel for the Respondent University states that as per the prescribed procedure, the Petitioner has to in the current year apply afresh for promotion under the Scheme aforesaid to the concerned Head of Department; that the Head of Department has to forward the said application along with an appraisal report to the experts to be constituted by the Respondent University; that the experts would thereafter consider the case of the Petitioner for promotion and if decide favourably in favour of the Petitioner will forward the same to the Respondent University which will then constitute a Selection Committee which will interview the Petitioner. It is contended that unless the Petitioner applies afresh in the current year, the process would not be initiated.

8. The counsel for the Petitioner states that the Petitioner had become eligible for promotion in the year 2006; that even though she was in the year 2008-2009 advised to apply in the following year and so applied but owing to the delays on the part of the Respondent University her case could not be considered; that she is now due to retire in February, 2012 and unless considered immediately, would be deprived of the promotion to which she may otherwise have been entitled to.

9. It has been enquired from the counsel for the Respondent University whether there is any time schedule provided for the procedure as disclosed hereinabove. The answer is in the negative.

10. In the circumstances aforesaid, it is deemed expedient to fix a time frame so that the case of the Petitioner can be considered immediately.

11. The writ petition is disposed of with the following directions:

(i) the Petitioner to apply afresh for promotion under the Scheme aforesaid on or before 13th May, 2011.

(ii) upon the Petitioner so applying, the remaining proceedings, depending upon the success at successive steps be completed on or before 31st August, 2011.

(iii) the Petitioner is granted liberty to approach the authorities from time to time for ensuring that the successive steps are completed in a timely fashion to enable the final decision to be taken by 31st August, 2011.

(iv) the Registrar of the Respondent University to ensure compliance of this order.

(v) the Petitioner on her part undertakes to from time to time expeditiously make available the information if any sought from her.

No order as to costs.

Copy of this order be given Dasti under signature of the Court Master.