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

% Judgment delivered on: 31.05.2024

+ W.P.(C) 8392/2024 & CM APPL. 34537/2024

RAJIV KUMAR

..... Petitioner

versus

GOVT OF NCT OF DELHI THROUGH

LIEUTINANT GOVERNOR & ORS

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Rakesh Kumar and Mr. R.K. Bhatia, Advocates

For the Respondent : Mr. Yashvardhan, Ms. Smita Kant, Ms. Kritika Nagpal and Mr. Gyanendra Shukla, Advocates for R-1.  
Mr. Gaurav Dhingra and Mr. Shashank Singh, Advocates for R-3 and 4.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**TUSHAR RAO GEDELA, J. (ORAL)**

**[ The proceeding has been conducted through Hybrid mode ]**

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

*“i. Writ of Certiorari for the quashing of the show cause notice dated 06.05.2024 served upon the Petitioner by the Respondents for removal from the*



*post of Professor under Clause 21 of the First Statute of the Delhi Pharmaceutical Sciences and Research University or any such order which may be passed by the Respondents in pursuance of the said Show Cause Notice.*

*ii. Pass any other order/directions as this Hon'ble Court may deem fit in the interest of Justice."*

2. The controversy in the present writ petition is similar to the one which had been raised before this Court in the case of ***Dr. Minakshi Garg vs. Delhi Pharmaceutical Sciences and Research University & Ors*** [W.P.(C) No. 6853/2024], as also ***Dr. Harvinder Popli vs. Delhi Pharmaceutical Sciences and Research University & Ors*** [W.P.(C) No. 6946/2024]. Both of which were disposed of on 14.05.2024 and 15.05.2024 respectively.

3. Without going into the merits as were noted in the previous judgements, suffice it to state that in the present case, the petitioner has already tendered her detailed reply to the Show Cause Notice dated 06.05.2024. The relevant paragraphs in terms of judgment of this Court in ***Dr. Harvinder Popli (supra)*** as noted above and applicable to the petitioner are as under:

*"8. Having said that, however, it will be relevant to keep in mind the conditions as stipulated in clause (ii) of University grants Commission guidelines 2018, which stipulates as under:*

*"II. Associate Professor:*

*i) A good academic record, with a Ph.D. Degree in the concerned/allied/relevant disciplines.*



ii) *A Master's Degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed).*

iii) *A minimum of eight years of experience of teaching **and/or** research in an academic/research position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/industry with a minimum of seven publications in the peer-reviewed or UGC-listed journals and a total research score of Seventy five (75) as per the criteria given in-Appendix III, Table 2.*

iv) *Contribution to educational innovation, design of new curricula and courses, and technology mediated teaching learning process."*

*(emphasis supplied)*

9. *In fact the Show Cause Notice also refers to the said sub-Clause (iii) while levelling the charges of the petitioner not having the essential qualification.*

10. *The question to be considered would be the interplay of the words "and/or" as appearing in the eligibility conditions stipulated by the UGC. In view of the fact that the petitioner was in service of the respondent for a period of eight years, it would be just and appropriate to grant protection post the order to be passed by the Competent Authority for a period of 10 days from the said date for the petitioner to take appropriate steps for redressal of her grievance.*

11. *It is informed that the time to file the reply to the show cause notice is expiring on 16.05.2024. The petitioner is therefore granted ten days time to file her substantive reply. **The Competent Authority is directed to consider the reply holistically taking into consideration that the petitioner was in fact employed by the University previously as also the fact that after having verified each and every***



**document and testimonies the petitioner was confirmed in the year 201. The Competent Authority shall afford an opportunity of personal hearing to the petitioner. The date, time and venue will be intimated well in advance.**

**12. The Competent Authority shall keep in mind the interplay of the words 'and / or' as employed in the UGC guidelines while passing this order."**

(emphasis supplied)

4. In the present case, the issue is in regard to petitioner's selection to the post of Professor. The Recruitment Rule for the post of Professor as stipulated in clause (iii) of University Grants Commission Guidelines, 2018, which stipulates as under:-

**“III PROFESSOR:**

*Eligibility (A or B) :*

A.

*i) An eminent scholar with Ph. D. degree in the subject concerned or in an allied/relevant subject and published work of high quality, actively engaged in research with evidence of published work, with a minimum of 10 publications as books and/ or research/policy papers in the peer-reviewed or UGC listed journals and a total research score of at least 120 as per the criteria given in Appendix II, Table 2.*

*ii) A minimum of ten years of teaching experience in a University/College **and/or** experience in research at the university/National level institution/Industries, with evidence of having successfully guided doctoral candidate.*

Or

B. *An outstanding professional, with established reputation in the relevant field, who has made significant contribution to the knowledge in the*



*concerned/allied/relevant discipline, to be substantiated by credentials.*

(emphasis supplied)

Keeping in view, the fact that even for the post of professor, the words “**and/or**” are employed, the rationale in *Dr. Harvinder Popli (supra)* will apply *mutatis mutandis* to the present case.

5. Since the issues raised in the present writ petition are similar to the ones which have been raised earlier in the judgements noted above, apart from the directions being made applicable to the present petitioners too, the petitioner would also be granted the same protection of 10 days post the order to be passed by the Competent Authority to enable the petitioner to take appropriate steps for redressal of her grievances.

6. With the above observation the petition is disposed of with no order as to costs. Pending application also stands disposed of.

**TUSHAR RAO GEDELA, J.**

**MAY 31, 2024**

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