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

+ W.P.(C) 938/2023

BIJAYA KUMAR MOHANTY & ANR. Petitioners

Through: Mr. Bajrang Vats, Adv.

versus

RAMJAS COLLEGE & ORS. Respondents

Through: Mr. Anurag Mathur, Adv for R1.
Mr. Manoj Ranjan Sinha, Mr.
Deepak Sain & Ms Nisha, Advs for
R-3/UGC.
Mr. Mohinder J.S Rupal & Mr.
Hardik Rupal, Adv.for University of
Delhi (through VC)
Mr. Kushagra Kumar, Advocate for
respondent/UOI (through VC)

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
12.06.2023

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CM APPL No. 32126/2023

1. This is an application seeking ad interim directions to respondent No.1 college to extend the adhoc services of the petitioner till regular appointment after recasting of the Teaching Roster (Assistant Professor) 2022 or till the disposal of the Writ Petition (C) No. 938/2023.
2. My attention has been drawn to the order dated 24.05.2023 passed by the Division Bench of this Court in WP (C) 6811/2023 & connected matters

wherein it has been clarified that any recruitment done pursuant to the impugned notifications shall be subject to the outcome of those petitions.

3. My attention has also been drawn to the order dated 25.05.2023 passed in WP(C) 6608/2023 wherein it has been held that services of the petitioner therein would not be dispensed with till the next date of hearing.

4. In the present case, it is stated by Mr. Vats learned counsel, that respondent No.1 is conducting interviews for one unreserved (UR) category. He states that earlier there were three unreserved posts but two have been now earmarked for EWS under new roster. He states that the same is prejudicial to the interest of the petitioners. Reliance is placed on the circular of Ministry of Human Resource Development dated 05.12.2019 which reads as under:-

“ 2 . The last Para of the circular dated 28.8.2019 issued by the Delhi University to all the Principals/Directors of the colleges/institutions shall be replaced with the following:-

" The colleges/Institutions shall fill up the permanent vacancies in a time bound manner. During the interim period, if vacancies which have to be filled for maintaining smooth academic functioning of the colleges/institutions, adhoc/ temporary/contract/guest faculty can be appointed till permanent faculty is recruited."

In view of the above, it is expected that all adhoc teachers worked or working in the current academic year shall be continued till recruitment of permanent faculty.

3. UGC will consider communicating the additional teaching positions to be created as per the EWS scheme within 30 days. Keeping

this in view, no person working in an adhoc position shall be removed merely on the ground of falling in the EWS roster point.”

5. In the present case, the factum whether EWS seats were to be carved out from the existing UR category or were to be freshly created, is an issue to be adjudicated.
6. Reply be filed before the next date of hearing.
7. It is directed that till the next date of hearing, the services of the petitioner shall not be terminated. However, there is no stay on the selection process.
8. List on 03.07.2023 before the Roster Bench.

JUNE 12, 2023
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JASMEET SINGH, J
(VACATION JUDGE)

Click here to check corrigendum, if any