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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11950/2022**

MRS. APARNA TICKOO BHAT Petitioner
Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents
Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Ms. Gauri and Ms. Anchal,
Advocates for UGC

(22)

+ **W.P.(C) 12009/2022 & CM APPL.35854/2022**

KUMUD BEHARI SINHA Petitioner
Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents
Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Mr. Sandeep Tyagi, SPC for UOI
Ms. Gauri and Ms. Anchal,
Advocates for UGC

(23)

+ **W.P.(C) 12020/2022**

MOHD. ZAKI AHMAD Petitioner
Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus



JAMIA MILLIA ISLAMIA & ORS. Respondents
Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Ms. Gauri and Ms. Anchal,
Advocates for UGC
Mr. J. K. Tripathi, SPC for UOI
Mr. Raghuvendra Shukla, SPC and
Mr. Anil, G.P. for UOI

(24)

+ **W.P.(C) 12030/2022**
MOHD. AZAM SHIBLI Petitioner
Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents
Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Ms. Gauri and Ms. Anchal,
Advocates for UGC

(25)

+ **W.P.(C) 12093/2022 & CM APPL. 36142/2022**
MOHD. ISMAIL KHAN, Petitioner
Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents
Through: Mr. Pritish Sabharwal, Adv.



for R-1 & 2/JMI

Ms. Gauri and Ms. Anchal,
Advocates for UGC

(26)

+ **W.P.(C) 12129/2022 & CM APPL. 36247/2022**

MR. SHAILESH KUMAR SAXENA, Petitioner

Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents

Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Ms. Gauri and Ms. Anchal,
Advocates for UGC

(27)

+ **W.P.(C) 12156/2022**

SHAMIM AHMAD Petitioner

Through: Ms. Manpreet Kaur and Mr. Rohit
Gandhi, Advocates

versus

JAMIA MILLIA ISLAMIA & ORS. Respondents

Through: Mr. Pritish Sabharwal, Adv.
for R-1 & 2/JMI
Ms. Gauri and Ms. Anchal,
Advocates for UGC

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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25.04.2024

(The proceeding has been conducted through Hybrid Mode)

1. After hearing the arguments of learned counsel appearing for the parties, it appears that the stand of respondent no.1/Jamia Millia



Islamia is that the State Resource Centre for Adult Education (in short 'SRC') was initiated on the policy of the Ministry of Human Resource Development and respondent no.1 was one such University which was permitted to commence such SRC.

2. The petitioners before this Court were the employees of the SRC. The respondent no.1 disputes their status as permanent employees of Jamia Millia Islamia on the basis of the terms of appointment letter. The petitioner were continued in the services of SRC till the year 2018. However, by virtue of the office order dated 29.06.2018, the petitioners were informed that the Governing Body of the State Resource Centre, Jamia Millia Islamia in its meeting held on 22.06.2018 had decided to close SRC w.e.f. 30.06.2018.

3. Subsequent thereto, the petitioners were not paid salaries and other emoluments on the ground that the SRC was closed and as no funds had been received from the Ministry of HRD, the Jamia Millia Islamia would be unable to continue their services and to pay their salaries.

4. The respondent no.1 has filed a detailed counter affidavit enclosing relevant documents in support of their case including the Office Order dated 29.06.2018 and the Policy formulated by the Ministry of HRD for running the SRC. Mr. Sabharwal referred to many clauses of the said policy to submit that the service conditions stipulates only a contractual service and as such, the petitioners cannot be termed as permanent employees and thus, cannot be absorbed, regularized or even transferred to some other department of respondent no.1.



5. Moreover, he submits that according to the policy, the funds that the SRC could generate was on account of four parameters, being (i) Fees collected from trainees, (ii) Donations, (iii) Consultancy fees for the programmes conducted by SRC on behalf of other departments / agencies and, (iv) any income other than Grant-in-aid received from Government of India.

6. He also referred to clause 7 of the said policy – ‘Funds and Accounts of the Resource Centre’. According to the said clause 7 of the policy, the funds of SRC was to consist of (a) Grants made by or through the Government of India or the State Government (b) Grants, donation and contributions, fees, etc. from other sources and (c) Income from investment. He submitted that since the respondent no.3 Ministry of HRD had stopped remitting grants, the respondent no.1 was unable to sustain the payment of salaries to the petitioners.

7. Ms. Kaur, learned counsel appearing for the petitioner disputes the aforesaid submissions made by Mr. Sabharwal. According to her, the petitioners may have initially been appointment on contractual basis, however, were later on regularized for which sufficient proof in the form of grant of MACP as also the issuance of salary slips showing that they were confirmed employees of the University have already been filed on record. She submits that the funds from which the salary and other emoluments were being paid to the petitioners were directly from the University and not from the funds of the Central Government, according to her instructions.

8. From the perusal of the records, it appears that there is nothing to show as to whether the SRC, which was formulated under the



policy of MHRD, had achieved its objective for which such SRCs were floated. There is nothing also to show that the funds to the said SRC in other places were stopped by the MHRD. There is also nothing to show as to what was the reason why the MHRD stopped remitting funds to the respondent no.1 /JMI University as per the policy. As such, without having the counter affidavit of the respondent no.3/MHRD, detailing the aforesaid points, it would not be possible for this Court to adjudicate the present writ petitions. All these unanswered interconnecting details are to be answered by the Ministry of HRD.

9. In that view of the matter, the Ministry of HRD is directed to place on record an affidavit detailing the aforesaid issues as raised by this Court strictly within a period four weeks from today, failing which, a senior officer of the Ministry shall be present in Court on the next date of hearing.

10. Keeping in view the aforesaid, it is deemed appropriate to ask even the respondent no.4/UGC also to file a short response in the form of affidavit.

11. List on 06.09.2024.

TUSHAR RAO GEDELA, J

APRIL 25, 2024

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