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

+ W.P.(C) 8509/2019

DR. AYESHA KIDWAI

..... Petitioner

Through Mr.Yashraj Singh Deora, Adv. with
Ms.Sonal Mashankar & Mr.Shyam
Agarwal, Advs.

versus

JAWAHARLAL NEHRU UNIVERSITY & ORS. Respondents

Through Ms.Monika Arora, Standing counsel
with Mr.Harsh Ahuja, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **14.08.2019**

CM APPL. 36574/2019 in W.P.(C) 8509/2019

Vide the present application, the applicant seeks direction to the executive council not to act on any recommendation that may have been given by the Selection Committee for appointment of faculty members to Centre for Linguistics, during the pendency of present proceedings.

The case of the applicant/petitioner is that in appointing an Associate Professor as the Chairperson of the Centre for Linguistics, School of Language, Literature and Culture Studies of the Respondent University, in complete contravention of JNU Statute 18(2)(c)(I) which specifically mandates that only Professors are to be appointed as Chairpersons where more than two professors are available in the Centre. At present there are four Professors available in the Centre.

Learned counsel appearing on behalf of the applicant submits that at present there are four Professors available in the Centre for Linguistics. The appointments in question has been made in the teeth of the order dated 29.07.2019 passed by this Court in the case of W.P.(C) No. 8168/2019 wherein this Court while setting aside the order of respondent No 2 in seeking to appoint a professor from a different Centre then the Centre for Linguistics was pleased to direct as under:-

"...Since the decision on respondent No. 3 is to be taken in the Executive Council meeting fixed for 30.7.2019, I hereby direct to appoint Chairperson from the Linguistics Centre itself in accordance with practice and law. As agreed by learned Counsel for the parties, nothing remains in the present petition, the same is accordingly disposed of in view of the above terms."

It is further submitted that the respondents being fully aware of the pendency of the writ petition as well as its listing on 19.08.2019 are seeking to pre-empt any interim reliefs that may be granted and thereby frustrate the proceedings and achieve their objective. The Chairperson of a Centre in terms of working of the University as well as the JNU Statute 27[2] is a necessary part of the Selection Committee for any appointments to faculty positions of Professor, Associate and Assistant Professor in that particular centre. The respondents knowing fully well that the appointment of an Associate Professor as the Chairperson of the Centre for Linguistics is in the teeth of the statutory provision and cannot be sustained, the said Respondents are seeking to complete the selection process of faculty members for the Centre for Linguistics by 18.08.2019 and have also called for interviews for the post of Assistant Professors on Sunday.

It is further submitted that the University had issued advertisements inviting applications for appointments to positions of Professor [2 positions- one reserved for ST and one for OBC), Associate Professor [2 positions out of which one is reserved for OBC} and one is for Assistant Professor.

The respondents, being aware of the pendency of the writ petition, are now seeking to make appointments in haste as would be evident from the fact that interviews have been called for on Sunday i.e., 18.08.2019 when the writ petition is listed on 19.08.2019.

Issue notice.

Counsel accepts notice on behalf of the respondents and seeks time to take instructions and assist the court on the next date of hearing.

At his request, renotify on 19.08.2019, the date already fixed in the writ petition.

Till further order, the executive council not to act on any recommendation that may have been given by the Selection Committee for appointment of faculty members to Centre for Linguistics, during the pendency of present proceedings.

I hereby make it clear that if any interviews take place that will be subject to the outcome of the writ petition.

Order *dasti* under the signatures of the Court Master.

SURESH KUMAR KAIT, J

AUGUST 14, 2019

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