

Sonia Sareen Vs. Shaheed Sukhdev College of Business Studies

Sonia Sareen Vs. Shaheed Sukhdev College of Business Studies

SooperKanoon Citation : sooperkanoon.com/1123471

Court : Delhi

Decided On : Jan-31-2014

Judge : Rajiv Shakdher

Appellant : Sonia Sareen

Respondent : Shaheed Sukhdev College of Business Studies

Advocate for Def. : Mr. Bansal

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI % Judgment delivered on:

31. 01.2014 + W.P.(C) 746/2014 SONIA SAREEN Petitioner versus SHAHEED SUKHDEV COLLEGE OF BUSINESS STUDIES Respondent
ADVOCATES WHO APPEARED IN THIS CASE: For the Petitioner: Mr Adit S. Pujari, Adv. For the Respondents: Mr Amit Bansal, Adv. CORAM :HON'BLE MR JUSTICE RAJIV SHAKDHER RAJIV SHAKDHER, J CM No.1499/2014 (Exemption) 1. Allowed subject to just exceptions. WP(C) 746/2014 2. Issue notice.

3. Mr Amit Bansal accepts notice on behalf of the respondent. In view of the order, that I propose to pass, he states that he does not wish to file a reply.

4. The petitioner seeks, broadly, the following prayers by way of the present writ petition: (i) Issue a writ of mandamus or any other appropriate writ directing the

respondent college to expedite the recruitment process for the post of placement officer on permanent basis; and (ii) Direct the respondent college to place on record any rules/ notifications office orders/ similar documents indicating the eligibility criteria as to the age of an applicant to the post of placement officer.

5. The writ petition has been filed in the background of the following brief and relevant facts. 5.1 The petitioner claims that she was appointed, on ad hoc basis, as a placement officer with the respondent college. The ad hoc appointment of the petitioner continued from 2008 to January, 2013. 5.2 In January, 2013, the respondent college commenced the process of inducting a placement officer on permanent basis. Interviews for the said post were conducted between 3rd and 7th June, 2013. It is not in dispute that the selection committee has concluded its process. The results, however, have not been announced with respect to this process. It is also not in dispute that in the advertisement issued in January, 2013, no age criteria was prescribed. 5.3 The petitioner had approached this court earlier by way of a writ petition under Article 226 of the Constitution. That writ petition was numbered as WP(C) No.70/2014. That writ petition was dismissed as withdrawn with liberty to the petitioner to approach the court at the appropriate stage. At that stage, the writ petition was withdrawn on consideration of the fact that the matter was premature. This order was passed on 06.01.2014. 5.4 I may only note that, there is an inadvertent typographical error in the order dated 06.01.2014, in as much as, it indicates that the petitioner had not taken part in the recruitment process, whereas the petitioner had actually taken part in the recruitment process. In other words, the word not in the following sentence in the order dated 06.01.2014, has crept in inadvertently due to a typographical error:

....The petitioner pursuant to an advertisement issued has not taken part in the recruitment process...

6. The petitioner has approached this court for the second time basing her case, primarily, on an advertisement issued for appointment of a placement officer, albeit on contractual basis, for the period of six months. The respondent college, as per the advertisement, proposes to appoint a placement officer by resorting to walk-in-interview. The process is to commence on 01.02.2014. There is an indication of

the eligibility age of the prospective candidate; which is pegged at 35 years. Quite curiously, the age eligibility criteria does not indicate as to whether, this should be the minimum or maximum age. I am informed by Mr Bansal, learned counsel for the respondent college, that the intention is to prescribe 35 years, as the maximum age.

7. Mr Bansal has also placed before me, in court, a communication sent by the respondent college to the University of Delhi with regard to the recruitment process, which was commenced in January, 2013. The respondent college, therein, had indicated that it had somehow missed out the age criteria in the January, 2013 process. Respondent college sought advice from the University of Delhi with regard to how it should proceed further qua the process, which was commenced on January, 2013 for permanent appointment to the post of placement officer. Mr Bansal says that the response of the University of Delhi, is awaited.

8. Mr Bansal also informs me that, for the post of placement officer, which is a non-teaching post, the rules and regulations applicable to the Assistant Registrar, would be applicable. He basis this submission on the communication dated 03.07.2013, issued by the University of Delhi to the respondent college. He also draws my attention to that part of the said communication wherein, the University of Delhi has indicated that non-teaching staffs appointments, in the University of Delhi, are being made purely on contractual basis, and not, on ad hoc basis. Mr Bansal says that it is in this background that the instant advertisement has been taken out. Mr Bansal says that the respondent college being in need of a placement officer; would require one, till a final decision is taken with regard to process which commenced in January, 2013.

9. Having heard the learned counsels for the parties and perused the record, according to me, prayers, as made in the writ petition, cannot be granted. All that, which can be directed, at this stage, is that the University of Delhi should render requisite advice or, send a communication in response to the respondent colleges letter dated 11.12.2013, as expeditiously as possible. It is directed accordingly. The University of Delhi shall render its response to the said communication with

expedition, though not later than six weeks from today. Needless to say the respondent college will, thereafter, take an appropriate decision in the matter.

10. With the aforesaid directions in place, the writ petition is disposed of.

11. A copy of this order will be placed by the respondent college before the concerned authority in the University of Delhi.

12. Dasti. RAJIV SHAKDHER, J JANUARY 31 2014 kk

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com