

Claim Petitions No. 23/NB/DB/2019 & 25/NB/DB/2019

Dr. Rajendra Singh Bhakuni & others

vs.

State of Uttarakhand & others

Dated: 31.05.2022

On perusal of the files (Claim Petition No. 23/NB/DB/2019 and 25/NB/DB/2019), the Tribunal desires clarifications on the following points:

- (i) How was the personal promotion to the post of Professor permissible in Govt. Colleges on 01.01.2009 when the same was not prescribed for Govt. Colleges in UGC Guidelines and Govt. Orders existing prior to the UGC Guidelines of 2010?
- (ii) The Counter Affidavit of Dr. B.R. Pant filed in Claim petition No. 25/NB/DB/2019 filed on behalf of many private respondents states the following:

“12. That the Government vide Government Order dated amended the G.O. dated 28/05/2013 bearing number 1479(1)/ XXIV(7)/2013-45(4)/11, to the extent that the relaxations provided to the candidates for working at Directorate in various capacity was set aside.

13. That the Director, Higher Education, thereafter invited applications from the Associate Professors for the promotion to the post of Professor on numerous occasions and thereafter the list for the dates of interview was published.”

However, the Govt. Order which amended the G.O. dated 28.05.2013 bearing no. 1479(1) has not been filed/produced nor its date has been mentioned. Copy of this G.O. may be produced.

- (iii) What was the action taken by the Govt./Directorate on the orders of the Hon'ble High Court dated 20.06.2018 in Writ Petition No. 250(S/B) of 2018? Copies of the relevant notings/decisions may also be filed.
- (iv) What was the role of the Screening Committee which held its meeting in April 2018? Who participated in it? Some members of this committee have submitted withdrawal applications from the same on the ground that they are themselves candidates.
- (v) When were the meetings of the Screening Committees held for each subject and what was the composition of those Committees?

- (vi) Were call letters for interviews between 11.05.2018 to 16.05.2018 properly issued as had been done for promotion to the post of Associate Professor?
- (vii) Why clause no. 3 in G.O. date 11.06.2019 which required the Director, Higher Education to ensure/examine the qualifications of selected candidates introduced in this G.O.? Then why this clause was removed vide G.O. dated 19.06.2019? Copies of the relevant notings of the concerned file of the Govt. may also be filed.
- (viii) Could Incharge Director, who was of the level of Associate Professor and was herself a candidate for professorship in Hindi, chair the selection committees for Professors of other subjects? Could the Deputy Director, Education chair the selection committee for Professorship in Hindi subject in which the Incharge Director, Dr. Sarita Mohan was herself a candidate?
- (ix) Counter Affidavits filed by the private respondents state that no relaxation of any kind in API was given to the candidates promoted vide order dated 11.06.2019 even though they were working in the Directorate. Was this done prior to the Hon'ble High Court's order dated 20.06.2018 or was it done subsequently?
- (x) Arguments for and against the *locus standi* of the petitioners.

Parties may file relevant documents and averments regarding the above along with affidavits on or before 30.06.2022.

List on 30.06.2022.

Let a copy of this order be uploaded on the website of the Tribunal.

RAJEEV GUPTA
VICE CHAIRMAN (A)

JUSTICE U.C.DHYANI
CHAIRMAN

KNP