

Allahabad HC strikes down termination orders for 16 IIIT-A teachers

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Allahabad High Court

THE Allahabad High Court has struck down a resolution of the board of management of the Indian Institute of Information Technology-Allahabad (IIIT-A) and the subsequent order of the registrar, through which appointments of 16 teachers were cancelled.

The IIT-A authorities had cancelled the appointments made in April 2003 on various grounds, including that they did not conform to the minimum qualification regulations of the University Grants Commission (UGC)-2010.

Passing the order on Friday, a division bench of Justices Amreshwar Pratap Sahi and Vivek Kumar Birla, said, "The entire decision making process is clearly vitiated" and gave the IIT-A authorities three months' time to take a fresh decision in the matter.

In a meeting on February 1, 2014, the board resolved to cancel the appointments. The resolution was formalised a few weeks later on March 26, 2014. The appointments were made in April 2013, during the tenure of the then director of the IIIT-A, Dr M D Tiwari. The petitioners — Dr Anurika Vaish, Dr Saurabh Mishra, Dr Ranjit Singh, Dr Shashikant Rai, Dr Triloki Pant, Lokendra Kumar Tiwari and Dr Ashutosh Kumar Singh and others (who were selected on the posts of professors/ associate professors and assistant professors) — had approached the court against the termination of their appointments.

The termination was carried out during the tenure of the acting director, Prof G C Nandi.

The petitioners had primarily contended that the Minimum Qualification Regulations-2010 of the UGC had not been adopted by the IIIT-A and, therefore, it could not be used to cancel their appointments.

Further, it was argued that they have not been given any chance to present their side of the story, which was a violation of the principles of natural justice.

It was also contended by the petitioners that the action taken by the board had something to do with the fact that the previous director had taken the decision to make appointments, while the new dispensation was trying to set up its own priorities.

It may be recalled that M D Tiwari had made the appointments at a time, when he was on an extension of six months, as his tenure of 10 years had come to an end. Tiwari had later tried to get his term extended further, but lost the matter in the court.

The court, perusing through a long list of norms and regulations besides High Court judgements that were adopted or passed from time-to-time, noted that while the memorandum of association of IIIT-A acknowledged the presence of UGC towards framing of certain regulations, there was nothing on record to show that the Minimum Qualification Norms-2010 (of the UGC) were adopted by it.

The court also pointed out that, throughout the history of litigations that came up for its perusal, the IIIT-A has always maintained that it was an autonomous body, governed on the lines of Indian Institutes of Technology, and they never received any grants-in-aid from the UGC.

The confusion arose when a high court judgement in 2012, in connection with the appointment of a teacher, said that UGC's norms were binding on the IIIT-A, as it was a deemed University since 2000, for which the UGC had the right to frame laws.

The IIIT-A went in appeal against the order in Supreme Court. However, in 2014, it withdrew the appeal without providing any reason.

Commenting on this aspect, the court said: "The withdrawal of the special leave petition by the Institute per se would not defeat the rights of the petitioners to contest the aforesaid position. The board will, therefore, have to take a decision about its own authority and competence (on the applicability of the said regulations) as it cannot afford to take different stands in different cases".