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

+ **W.P.(C) 12458/2023**

SUBHASHINI RATAN & ORS.

..... Petitioners

Through: Mr. Gautam Narayan, Ms. Asmita Singh, Mr. Harshit Goel and Mr. Siddhant Singh, Advs.

versus

LEGISLATIVE ASSEMBLY SECRETARIAT NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Laavanya Kaushik, Adv. for Mrs. Avnish Ahlawat, Standing Counsel, Mr. N.K. Singh, Ms. Aliza Alam, Advs.

Mr. Santosh Kr. Tripathi, SC (Civil), GNCTD with Mr. Kartik Sharma, Ms. Prashansa Sharma and Mr. Arun Panwar, Advs. for R-1 and 3.

Ms. Jyoti Tyagi, Ms. Manisha and Mr. Hitanshu, Advs. for R-1 to 3.

Mr. Yeeshu Jain, ASC (Services) for Respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **21.09.2023**

CM APPL. 49152/2023 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 12458/2023 & CM APPLs. 49151/2023, 49153/2023

1. The Petitioners have approached this Court primarily challenging an Order dated 09.08.2023 passed by Respondent No.1 disengaging the



services of the Fellows, Associate Fellows and Associate Fellows (Media) under the Delhi Assembly Research Centre Fellowship Programme in the Delhi Legislative Assembly.

2. It is stated by learned Counsel for the Petitioners that the Petitioners herein were appointed pursuant to an advertisement. Selections were made after following the proper recruitment process in the year 2019. The services of the Petitioners and the similarly placed persons are being regularly extended after every two years. It is stated that the tenure of the Petitioners ends in December, 2024, barring a few whose term comes to an end in the year 2023.

3. The principal contention of learned Counsel for the Petitioners is that the reasons for terminating the contract of the Petitioners are that (1) the reservation policy has not been followed while making these appointments and; (2) that approval of the Lt. Governor has not been taken.

4. Learned Counsel for the Petitioners states that both the reasons given by the Respondents are untenable in law. He places reliance on a letter given by the Hon'ble Speaker on 07.07.2023 where the Hon'ble Speaker has stated that both the reasons given for terminating the Petitioners are not applicable to the posts held by the Petitioners herein.

5. In view of the fact that the Hon'ble Speaker had himself raised his objections for termination of the services of the Petitioners and those who are similarly situated, notice is being issued to the Respondents to show cause as to why there is a sudden change in the attitude of Respondent No.1 in agreeing for the termination of the posts of Fellows mid-way during the tenure.

6. Issue notice.



7. Ms. Laavanya Kaushik, learned Counsel appearing on behalf of Ms.Avnish Ahlawat, learned Standing Counsel for GNCTD, accepts notice.
8. Let the reply be filed within two weeks from today. Rejoinder, if any, be filed within a week thereafter.
9. List on 06.12.2023.
10. Till the next date of hearing, let the services of the Petitioners be not discontinued and the Petitioners be given their stipends.

SUBRAMONIUM PRASAD, J

SEPTEMBER 21, 2023

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