

55th Meeting of the Board of Governors
(Agenda by Circulation)
National Institute of Technology, Uttarakhand

BoG 55.01: Regarding the matter related to Mr. Nitesh Kumar, Ex-Trainee Teacher, Department of Electrical Engineering as per directions of the Hon'ble High Court of Uttarakhand.

Institute has received a request from Mr. Nitesh Kumar vide inward no.111 dated 08/04/2024 regarding compliance of the final order and judgment dated 21st March, 2024 as passed in the case of Nitesh Kumar vs Union of India and another, WPSB No.81 of 2024 **(Annexure BoG 55-I)**.

The Ministry of Education erstwhile Ministry of Human Resource Development vide Order No.F.23-12/2009-TS.III (Pt.) dated 22/03/2013 **(Annexure BoG 55-II)** notified the Trainee Teachers Scheme. The Trainee Teachers Scheme was adopted by the Institute vide Board resolution no.BoG 03.11 dated 08/10/2023 **(Annexure BoG 55-III)**.

Mr. Nitesh Kumar has joined the services of the Institute on 02/07/2015 as Trainee Teacher in the Department of Electrical Engineering under Trainee Teachers Scheme on the basis of B.Tech. qualification. As per the Trainee Teachers Scheme, he was required to complete his M.Tech and Ph.D. degree within a period of 8 years i.e. upto 01/07/2023, within the eight years only otherwise his services will be terminated as per Trainee Teachers Scheme.

Mr. Nitesh Kumar was admitted in the Ph.D. programme at IIT Roorkee on 17/07/2017, the date of candidacy was 16/07/2018 and final SRC was held on 20/06/2023.

The contract period of Mr. Nitesh Kumar was extended from 02/07/2023 to 14/08/2023 vide Institute's Chairman Note No.NITUK/R-Office/223/1477 dated 11/07/2023 and same was communicated to him vide Office Order No.A-477 dated 02/08/2023. The contract period of Mr. Nitesh Kumar was extended beyond eight years, vide Board agenda item no.BoG 46(23A) for further period of six months subject to submission of Ph.D. thesis latest by 20/06/2023 and the same was communicated to him vide Office Order No.A-123 dated 15/05/2023.

During the extension period from 02/07/2023 to 14/08/2023, Mr. Nitesh Kumar submitted his Ph.D. thesis on 10/07/2023 vide IIT Roorkee notification no.Ph.D.Thesis/Submission/ 100723 dated 10/07/2023. Further, the matter of Mr. Nitesh Kumar was placed before the Board vide agenda item no.BoG 49.16 dated 14/08/2023 and Board resolved that keeping in view the Covid period during his Ph.D. work, Board approves the six months extension after completion of 8 years (i.e. 02.07.2023) for completion of his Ph.D. The Board also approved not to grant any further extension beyond these 6 months to Mr. Nitesh Kumar for completion of the Ph.D.

As per BoG resolution vide agenda item no.BoG 49.16 dated 14/08/2023, the contract period of Mr. Nitesh Kumar was extended upto 01/01/2024 vide Office Order no.A-1131 (A) dated 01/01/2024 **(Annexure BoG 55-IV)** in which it was specifically mentioned that no further extension will be granted.

The contract period of Mr. Nitesh Kumar completed on 01/01/2024 vide Office Order No.A-113(A) dated 01/01/2024. Accordingly, the services of Mr. Nitesh Kumar were terminated from 01/01/2024 (AN).

Mr. Nitesh Kumar has intimated through email on 13/02/2024 that he has successfully completed the Ph.D. degree from IIT Roorkee and submitted the provisional degree certificate no.43219 dated 13/02/2024 and has requested vide email dated 15/02/2024 for extension of service till 14/02/2024. Accordingly, the request of Mr. Nitesh Kumar was placed before the Board vide agenda item no.52.08 for reappointment as Trainee Teacher. The resolution of the BoG in this case is as under:

“Not Approved”

The decision of the BoG was communicated to the Mr. Nitesh Kumar vide letter no.A-1445 dated 08/03/2024 (**Annexure BoG 55-V**). As on date, he is not working in the Institute and is not part of the Trainee Teachers Scheme.

Further, Mr. Nitesh Kumar has filed a Writ Petition vide no.81/2024 dated 04/03/2024 in the Hon'ble High Court of Uttarakhand, Nainital for regularization as Trainee Teacher. The judgment of the Hon'ble High Court of Uttarakhand in this case is as under:

“Without going into merits as to whether, extension given to the petitioner continued up to 14.02.2024 or not, we dispose of the writ petition with a direction to the Director, NIT, Srinagar to reconsider the case of the petitioner sympathetically, untrammelled by the order impugned in this writ petition and take decision afresh as per law within three weeks from the date of production of certified copy of this order.”

It is pertinent to mention that as on date Institute had regularized 12 Trainee Teachers in the Institute as per Trainee Teachers Scheme and all have completed their Ph.D. degree within the eight years of service and no Trainee Teacher was granted extension.

In compliance of the judgment of the Hon'ble High Court of Uttarakhand, the following options are available:

Whether to consider him as Trainee Teacher and continue his services **OR** not to consider his request. In case he is considered as Trainee Teacher, then, what will happen to the period after 02/01/2024 when he was not on the rolls of the Institute.

The matter is placed before the members of the Board for deliberation and giving their opinion on above matter by 15/04/2024 by 05:00 PM.



**Registrar &
Secretary, BoG**