

**MINUTES OF THE SPECIAL 56th MEETING OF THE BOARD OF GOVERNORS
(THROUGH HYBRID MODE)
HELD ON 26th April, 2024 AT NIT UTTARAKHAND**

The following members were present:

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| 1. Prof. Lalit Kumar Awasthi | - I/c. Chairman, BoG & Director |
| 2. Ms. Saumya Gupta | - Joint Secretary, MoE |
| 3. Prof. Kamal Kishore Pant, Director, IIT Roorkee | - Member |
| 4. Dr. Lalta Prasad, Asso. Professor (ME), NITUK | - Member |
| 5. Dr. Aditya Kumar Anupam, Asstt. Professor (CIV), NITUK | - Member |
| 6. Mr. Hari Maul Azad, Registrar | - Secretary |

At the outset Secretary welcomed all the members, and requested I/c. Chairman, Board & Director, NITUK to preside over today's meeting of the Board of Governors.

After the permission of I/c. Chairman, Board deliberated the following agenda and resolved as under:

BoG 56.01: 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, Ex-Trainee Teacher vide inward no.111 dated 08/04/2024 regarding compliance with 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 56.01**).

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 56.02**) 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 56.03**).

Mr. Nitesh Kumar joined the services of the Institute on 02/07/2015 as a Trainee Teacher in the Department of Electrical Engineering under the 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 the 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 the Board resolved that keeping in view the Covid period during his Ph.D. work, the 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 up to 01/01/2024.

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 intimated through email on 13/02/2024 that he has 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 Mr. Nitesh Kumar vide letter no.A-1445 dated 08/03/2024 (**Annexure 56.04**). As on date, he is not working in the Institute and is not part of the Trainee Teachers Scheme.

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

Further, Mr. Nitesh Kumar has filed a Writ Petition vide WPSB No.81 of 2024 dated 04/03/2024 in the Hon'ble High Court of Uttarakhand, Nainital for regularization as a 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.”

Consequently, in compliance to the judgment of the Hon'ble High Court of Uttarakhand, Nainital, Mr. Nitesh Kumar requested for extension in the contract period from 02/01/2024 to 14/02/2024.

The decision of the Board is required to be intimated to the Hon'ble High Court of Uttarakhand, Nainital within three weeks from the date of production of a certified copy of the order. The request of the petitioner (Mr. Nitesh Kumar) along with a certified copy of the order received by the Institute on 08/04/2024 and the decision of the Board in the above matter is required to be intimated to the Hon'ble High Court of Uttarakhand, Nainital on or before 29/04/2024.

Hence, the request of Mr. Nitesh Kumar, Ex-Trainee Teacher NIT Uttarakhand is placed before the members of the Board of Governors for deliberation and decision please.

Since, it is an urgent Board meeting therefore, the Institute may please be allowed to inform the Hon'ble High Court of Uttarakhand and issue speaking order in this matter within time frame as provided by the Hon'ble High Court.

Resolution: The matter of Mr. Nitesh Kumar, Ex-Trainee Teacher was deliberated afresh during the meeting keeping in view the spirit of the orders of Hon'ble High Court of Uttarakhand, Trainee Teachers Scheme and multifarious criterion – both administrative and academic. The Institute had extended all admissible benefits viz. reimbursement of Tuition Fees, deputed to IIT Roorkee for one year with salary, granted special casual leave from time to time etc. to Mr. Nitesh Kumar. Moreover, he is the only Trainee Teacher who was granted extension in service for six months beyond eight years to complete his Ph.D. The Institute has extended all possible benefits along with sufficient time period to him to complete his Ph.D. The performance appraisal report dated 24/04/2024 submitted by the committee in case of Mr. Nitesh Kumar was also presented during the BoG meeting. The Board members with due diligence to the performance report of Mr. Nitesh Kumar and to the orders of Hon'ble High Court of Uttarakhand revisited the case afresh and decided the matter on merit. Also, as per point no.3 of duration and salary of Trainee Teachers Scheme dated 22/03/2013, it is necessary for the Trainee Teachers to complete M.Tech. and Ph.D. within 5-8 years. If candidates fails to complete his Ph.D. within eight years, his or her candidature to be in this scheme will be discontinued. Further, according to point no.6, 12 & 19 of the service contract agreement dated 11/07/2015 signed by Mr. Nitesh Kumar and Director, NIT Uttarakhand, if Mr. Nitesh Kumar fails to complete his Ph.D. degree within 8 years, he will be terminated from the services of the Institute and the

balance amount of RD will be forfeited. Earlier also, the request of Mr. Nitesh Kumar the matter was placed before the Board vide agenda item no.BoG 49.16 dated 14/08/2023 and the 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. Keeping in view all above, the BoG decided that the contract period of Mr. Nitesh Kumar cannot be extended beyond 01/01/2024 and his appointment under Trainee Teachers Scheme is terminated w.e.f. 01/01/2024. The same may also be communicated to the Mr. Nitesh Kumar, Ex-Trainee Teacher accordingly.

BoG 56.02: Any other item with the permission of Chair.

BoG 56.02(A): Regarding defending of cases before the various Hon'ble Courts / Tribunals / Commissions filled by the petitioners (Institute employees) against Director and Registrar or any other employees of the Institute.

It is to inform to the Board of Governors that during the recent past the aggrieved Institute serving and ex-employees filed some cases by name against the Institute authorities and other invited dignitaries of the Institute. The details of the cases are as follows:

Writ Petition No. & court	Petitioner	Respondents
WPSB 133 of 2023 (Hon'ble High Court of Uttarakhand, Nainital)	Dr. Vineeta Negi Panwar, Assistant Registrar, NIT Uttarakhand	Prof. Lalit Kumar Awasthi, Director, NITUK Dr. Gurinder Singh Brar, Associate Prof., NITUK Mr. Jagdeep Singh, Asstt. Registrar, NITUK Prof. M. C. Govil, Director, NIT Sikkim
WPCRL 1324 of 2023 (Hon'ble High Court of Uttarakhand, Nainital)	Prof. H. T. Thorat, Ex-Director, NIT Uttarakhand	Dr. Dharmendra Tripathi, Associate Prof., NITUK
WPSB 212 of 2024 (Hon'ble High Court of Uttarakhand, Nainital)	Dr. Vineeta Negi Panwar, Assistant Registrar, NIT Uttarakhand	Prof. Lalit Kumar Awasthi, Director, NITUK Dr. Dharmendra Tripathi, Associate Prof., NITUK Prof. M. M. Sharma, Professor, NIT Jaipur Mr. Jagdeep Singh, Asstt. Registrar, NITUK

Hence, the Board is requested to approve the proposal for defending of cases in the various Hon'ble Courts / Tribunals / Commissions by the Institute counsel in the cases filed by the petitioners (serving and ex-employees of the Institute) against Director and Registrar or any other employees of the Institute including other invited dignitaries of the Institute.

Resolution: Approved. The Institute Counsel(s) is authorized to defend the cases filed by the petitioners in various Hon'ble Courts, Tribunals or Commissions by name against Director and Registrar or any other employees (serving/retired) including other invited dignitaries of the Institute, wherever the decision has been taken in the official capacity.

The meeting ended with vote of thanks to the Chair.

(Hari Maul Azad)
Registrar & Secretary, BoG

Approved

(Prof. Lalit Kumar Awasthi)
I/c. Chairman, BoG & Director

