

\$~R-13 to R-16

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

+ LPA 587/2008

GNCT OF DELHI & ANR.

..... Appellants

Represented by: Ms.Latika Chaudhary, Advocate for
Ms.Avnish Ahlawat, Advocate

versus

SANJEEV KUMAR

..... Respondent

Represented by: None

LPA 590/2008

GNCT OF DELHI & ANR.

..... Appellants

Represented by: Ms.Latika Chaudhary, Advocate for
Ms.Avnish Ahlawat, Advocate

versus

DHANNU DABI & ANR.

..... Respondents

Represented by: None

LPA 710/2008

NARESH KUMAR VERMA

..... Appellant

Represented by: None

versus

DSSSB & ORS.

..... Respondents

Represented by: Ms.Latika Chaudhary, Advocate for
Ms.Avnish Ahlawat, Advocate

LPA 615/2008

DHANNU DABI

..... Appellant

Represented by: None

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Represented by: Ms.Latika Chaudhary, Advocate for
Ms.Avnish Ahlawat, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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30.06.2015

1. Sanjeev Kumar and Dhannu Dabi filed writ petitions which were numbered as 9941/2006 and 13215/2006, alleging therein that they were wrongly denied employment to the post of Assistant Teacher (Primary) in the Municipal Corporation of Delhi on being selected by the Delhi Subordinate Services Selection Board. The two questioned the decision taken by the Municipal Corporation of Delhi that only those who were members of a Scheduled Caste domiciled in Delhi and to whom the relevant certificates were issued by the competent authority in Delhi were eligible to the benefit of reservation. The two writ petitioners were relying upon the strength of Scheduled Castes Certificate issued by the Competent Authority in the State of Rajasthan and the State of Uttar Pradesh.

2. Inter-alia, the two writ petitions were opposed on the plea that the recruitment pertained to a notice dated June 12, 1998 and was completed about 6 years prior to the filing of the writ petition. It was pointed that the writ petitions were filed in the year 2006.

3. Vide order dated August 18, 2008, the learned Single Judge has allowed both the writ petitions and we find that on the subject of delay and laches has taken a view that since the interpretation of the law by the Municipal Corporation of Delhi was wrong and to two persons who had

approached this Court raising similar issues relief had been granted, the two writ petitioners were also entitled to the same relief.

4. The common decision dated August 18, 2008 has been challenged in LPA No.587/2008 and LPA No.590/2008.

5. In our opinion laying a challenge to a decision taken somewhere in the year 1999 or perhaps the year 2000 by filing a writ petition in the year 2006 would entail the dismissal of the writ petitions as being barred by delay and laches. A rough and a ready thumb rule to decide delay and laches would be whether period of limitation if suit had to be filed had expired or not. Further, if the recruitment process is over and within reasonable time a grievance pertaining thereto is not raised it would be against the interest of justice to grant relief even if a cause is found meritorious because it would entail the non-empanelment of some other person to whom employment has been offered and has been accepted.

6. The reasoning by the learned Single Judge that since similar relief was granted to two other persons these two must also be granted relief overlooks that said two persons approached the Court promptly and law does not lean in favour of fence sitters.

7. Dhannu Dabi has filed LPA No.651/2008 being aggrieved by the direction in the order dated August 18, 2008 denying back wages.

8. Thus, LPA No.587/2008 and LPA No.590/2008 are allowed. Impugned order dated August 18, 2008 is set aside. W.P.(C) No.9941/2006 and W.P.(C) No.13215/2006 filed by Dhannu Dabi and Sanjeev Kumar are dismissed. The Letters Patent Appeal filed by Dhannu Dabi is dismissed for the reason the decision in his favour to give him employment has been set aside by us.

9. As regards LPA No.710/2008 we find that the appellant thereof also

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raise the same issue but pertaining to a reservation as a member of a backward caste and the writ petition filed by him has been dismissed vide impugned order dated September 18, 2008 on the ground that the writ petition filed in the year 2006 questioned a recruitment which commenced in the year 1998 and hence was hit by delay and laches.

10. We note that the appellant of LPA No.710/2008 was seeking appointment to the post of Assistant Teacher pursuant to the same advertisement in respect of which Dhannu Dabi and Sanjeev Kumar were claiming employment.

11. For the reasons given by us hereinabove allowing LPA No.587/2008 and LPA No.590/2008, we agree with the view taken by the learned Single Judge that the writ petition filed by Naresh Kumar Verma in the year 2006 was hit by delay and laches. The appeal filed by him is also dismissed.

12. To summarize LPA No.587/2008 and LPA No.590/2008 are allowed. LPA No.615/2008 and LPA No.710/2008 are dismissed.

13. No costs.

CM No.14153/2008 in LPA No.590/2008

Dismissed as infructuous.



PRADEEP NANDRAJOG, J.



MUKTA GUPTA, J.

JUNE 30, 2015

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