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

+ **W.P.(C) 5815/2020 & CM APPL.21039/2020**

**REMOUNT KARAMCHARI SANGH HEMPUR THROUGH ITS
PRESIDENT SURENDRA PRASAD** Petitioner

Through: **Mr. R.K. Shukla & Mr.D.S. Baidiar,**
Advs.

versus

**UNION OF INDIA THROUGH SECRETARY MINISTRY OF
DEFENCE & ORS.** Respondents

Through: **Mr. Chetan Sharma, ASG with
Mr. Vikas Mahajan, CGSC,
Mr. Gaurang Kanth and Ms. Biji
Rajesh Adv. for UOI.**

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRATEEK JALAN**

ORDER
31.08.2020

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Proceedings in the matter have been conducted through video conferencing.

1. This so-called Public Interest Litigation has been preferred with the following prayers:-

“i. issue a writ in the nature of mandamus or such appropriate writ or order, thereby commanding the respondents to finalized the issue related to appointment of Genuine person for which documents has been verified regarding their authenticity in pursuant to the advertisement dated 11.01.2015 and it may be further directed to the respondents to take legal action against

that persons who got appointment initially due to forged document and later on their appointment was cancelled in accordance with law particularly OM dated 19.05.1993 and 10.01.2013. (ANNEXURE P-7)

ii. direct the respondents to consider the appointment of Sh. Keshav Bahadur and Sanjay Kumar Sharma and other waiting list candidates who is found suitable in terms of letter No. R/K/S/HEMPUR/B.P.M.S/04 dated 28.05.2020.

iii. direct the respondents to declare the appointment of Sh. Mohit Kumar as illegal and arbitrary as Sh. Mohit Kumar has been appointed against the handicap quota, whereas this post should be filled amongst handicap persons who is in waiting list.

iv. to direct the respondents to initiate process of recovery in respect of those who have been appointed illegally regarding their salary with interest.

v. award cost in favour of the petitioner and against the respondents.

vi. pass any other and further order and order(s) as this Hon'ble Court deem fit and proper in facts & circumstances of the case."

2. At the outset, learned counsel appearing for the petitioner submitted that the petitioner is pressing only for prayer (i).

3. Having heard counsel for the petitioner, and looking to the facts and circumstances of the case, it appears that this is a much belated petition, as the petitioner is in search of the appointments in pursuance of the public advertisement dated **11.01.2015** for the posts of Veterinary Dresser and Tractor Driver.

4. It appears *prima facie* that this writ petition has been preferred at the

behest of Sh. Keshav Bahadur and Sh. Sanjay Kumar Sharma, for getting employment. In service matters of this nature, no public interest litigation can be entertained, and it is for the concerned persons to seek redressal in accordance with law, if they are so entitled. Hence, we are of the view that this petition does not come within the ambit of a Public Interest Litigation at all, but is a Private Interest Litigation. If Sh. Keshav Bahadur and/or Sh. Sanjay Kumar Sharma are seeking appointment, then they can always file proper proceedings before appropriate forum.

5. Moreover, the petition as filed also contains a prayer for cancellation of the appointment of one Sh. Mohit Kumar. However, Sh. Mohit Kumar was not joined as a party respondent at all.

6. Further, looking to prayer (i), there are allegations about the forgery of the documents, however nothing on forgery is argued. Not a single sentence is spoken as to how there is forgery in the process of appointments.

8. Moreover, allegations about forgery of documents etc., are matters of fact to be proved by cogent and convincing evidences to be led before the concerned court/authority. Hence also, we see no reason to entertain this writ petition.

9. Accordingly, this writ petition is hereby dismissed. The pending application also stands disposed of accordingly.

CHIEF JUSTICE

AUGUST 31, 2020/kks

PRATEEK JALAN, J