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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) No.3384/2012

SONU KUMAR Petitioner
Through Mr.Saroj Kumar Jha, Adv.

Versus

SECRETARY,STAFF SELECTION COMMICION Respondent
Through Mr. Ankur, Adv.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE G.P. MITTAL, J

ORDER

09.10.2012

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1. By way of this petition, the petitioner assails the failure of the respondent to appoint him as a Constable (G.D.) in the Central Police Organisations on account of erroneous consideration of his state. The petitioner was an OBC candidate who hailed from the state of Bihar. The respondent erroneously treated the petitioner as if he was from the state of Haryana, resulting in wrong result and therefore an erroneous denial of appointment.

2. No counter affidavit has been filed. However, a copy of the letter dated 8th October, 2012 under signatures of Nityananda Ray, Under Secretary (Legal) of the Staff Selection Board has been placed before us wherein it is stated as thus:-

WP (C) No.3384/2012

Page No.1 of 3

"I am directed to refer to the captioned subject and say that the petitioner's result has been revised and he has been considered for nomination to one of the Central Police Organisations on the basis of his merit by the Commission. The process of nomination is under way and it is likely to be completed within a week. Once the process of nomination is completed a copy of the same will be sent to you for appraisal of the Hon'ble Court. In the meanwhile you may inform the court of the present developments in the matter.

This issues with the approval of RD (NR)."

3. It, therefore, appears that the petitioner's result has been revised and he has been considered for nomination to one of the Central Police Organisations on the basis of his merit by the Commission and that the process of nomination is underway and is likely to be completed within a week.

4. In view of the above, it would appear that the grievance of the petitioner in the writ petition stands satisfied and nothing survives for adjudication in the writ petition which is allowed in terms of the information furnished in the communication dated 8th October, 2012.

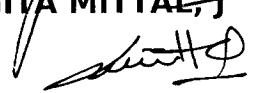
5. Learned counsel for the petitioner has expressed an apprehension that the necessary orders may not be passed by the respondents with expedition.

6. In view of the above, a direction is issued to the respondent to ensure that the petitioner is communicated the result of consideration

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of his candidature in terms of the letter dated 8th October, 2012 within a period of two weeks from today.

List for reporting compliance on 9th November, 2012.


GITA MITTAL, J

G.P. MITTAL, J

OCTOBER 09, 2012
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- for reporting compliance

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

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W.P.(C) No.3384/2012

SONU KUMAR Petitioner
Through Mr.Saroj Kumar Jha, Adv.

Versus

SECRETARY,STAFF SELECTION COMMISSION Respondent
Through Mr. Ankur Chhiber, Adv.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
20.11.2012

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1. In terms of the submissions made on previous dates, Mr. Ankur Chhiber, learned counsel for the respondent has placed before us a letter dated 19th November, 2012 addressed by the Staff Selection Commission intimating that the result of Sonu Kumar, the present petitioner, stood revised and the petitioner has been nominated vide a nomination letter No.2/1/2011-ND.II dated 9th October, 2012. A copy of the letter dated 9th October, 2012 sent by the Staff Selection Commission to Shri M.C. Panwar, DIG (Rectt.) of the Central Reserve Police Force (CRPF) intimating that the petitioner has been considered for nomination in the CRPF on the basis of merit, has been produced.

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Learned counsel for the petitioner submits that he has till date not received any communication with regard to his appointment from the CRPF.

2. In the instant case, the petitioner has been deprived of appointment for the fault of the respondent firstly the Staff Selection Commission in wrongly scrutinizing the result of the petitioner. Thereafter, despite the nomination of the petitioner to the CRPF by the Staff Selection Commission, the CRPF is dragging its feet and has taken no action in the matter of appointment of the petitioner.

3. The petitioner has placed on record repeated representations despite which he was compelled to come to the court. In this background, we grant last opportunity to the respondent to ensure that complete justice is done to the petitioner.

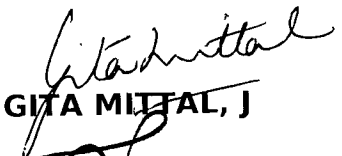
4. Needless to say in the above circumstances, the petitioner will be entitled to maintenance of his merit position in the appointment list and will be entitled to grant of notional seniority so far as the batch in which he took the examination is concerned. Appropriate orders with regard to the above shall be positively communicated to the petitioner within a period of four weeks from today.

5. This writ petition need not be listed any further.

It shall be open for the petitioner to approach the court in case the

respondent fails to comply with the above mentioned directions.

6. The petitioner shall be entitled to costs of the proceedings which are quantified at Rs.20,000/-.


GITA MITTAL, J

J.R. MIDHA, J

NOVEMBER 20, 2012
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