

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

+ W.P.(C) No.2537/2012 and CM 5434/2012 (Stay)

% **15th July, 2013**

GAINILUNG PANMEI Petitioner

Through: Mr. Shantanu Kumar, Advocate

VERSUS

FOOD CORPORATION OF INDIA AND ORS. Respondents

Through: Ms. Anjana Masih, Advocate for respondent
No. 1.

Mr. Sudhindra Tripathi, Advocate for Mr.
Peeyoosh Kalra, Advocate for respondent
No. 3.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. Petitioner by means of this writ petition seeks appointment to the post of AGM(Legal) in the Scheduled Tribe category with the respondent No.1-Food Corporation of India. The subject post was advertised on 8.01.2011.

2. On behalf of respondent No. 1, it is contended that petitioner was not selected because he did not meet the criteria as stated in the advertisement of having appeared in five matters in a year for three years. Learned counsel for

respondent No. 1 contends that the petitioner appeared in five matters for the years 2009-2010 only i. e for two years. For the third year, and which could be any of the years from 2005 to 2008, petitioner did not appear in five matters for these four years. It is argued that five matters in a year does not mean five appearances in one year but appearance in five matters i. e five different cases.

3. Learned counsel for the petitioner sought to argue that five matters means five appearances, however, this argument is mis-conceived for two reasons. Firstly, the expression found in the requirement/qualification is “five matters” and not “five appearances”. Secondly, there is no reason for me to interfere with the interpretation as given by the respondent No. 1 to the requirement/criteria because there is no unreasonable interpretation of the requirement and the interpretation is being applied uniformly without any discrimination.

4. Nothing could be pointed out on behalf of the petitioner that petitioner at any point of time gave any document to the respondent No. 1 to show that in any single year from 2005 to 2008 petitioner appeared in five matters in that one year. In fact, even before this Court no document has been filed, although, filing before this Court may be of no use because really the requirement/qualification had to be complied with by giving the necessary documents to the respondent No. 1 at the

relevant time during the selection process, and which requirement was not complied with.

5. Once the recruitment process is complete, petitioner cannot unsettle the process by claiming that he met the requisite criteria, and which admittedly was not complied with by giving the requisite document to the respondent No. 1 during the selection process. In fact even in the writ petition, as already stated above, nothing has been filed. A completed recruitment process, whereupon successful candidates have taken charge cannot be unsettled because selected persons have acted to their detriment by giving up other possible opportunities or may be even jobs in some cases.

6. In view of the above, the petitioner having failed to meet the requirement/qualification of having appeared in five matters per year for three years, no relief can be granted in the writ petition. The writ petition and application for stay are accordingly dismissed, leaving the parties to bear their own costs.

JULY 15, 2013
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VALMIKI J. MEHTA, J.