

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

% *Judgment Reserved on : January 31, 2013*
Judgment Pronounced on : February 07, 2013

+ **WP(C) 4620/2012**

RAVI KUMAR Petitioner
Represented by: Ms.Jyoti Singh, Sr.Advocate
instructed by Mr.R.K.Shukla, and Ms.Saahila
Lamba, Advocates.

versus

UNION OF INDIA & ORS. Respondents
Represented by: Mr.R.V.Sinha and Mr.R.N.Singh,
Advocates.

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE VEENA BIRBAL

PRADEEP NANDRAJOG, J.

1. The brief factual backdrop leading to the filing of the instant writ petition is that on February 26, 1995 the petitioner, who is an intermediate and had undergone a course in the mechanical trade from the Indian Technical Institute, was directly recruited to the post of Khalasi in the mechanical cadre of the Indian Railways.

2. In the year 1996, the petitioner sought transfer to the post of Khalasi in the electric cadre of the Railways and upon his request being accepted was posted in the electric cadre and since then i.e. 1996 he has been working in the electric division of the Indian Railways. The next promotional post is the post of Technician Grade-III. 25% vacancies in Technician Grade-III are filled up from amongst the officers working on junior posts who qualify at the Limited

Departmental Competitive Examination.

3. The next promotional post is the post of Junior Engineer Grade-II. 25% vacancies in the Junior Engineer Grade-II are filled up from amongst the officers working in Technician Grade-III who qualify at the Limited Departmental Competitive Examination. Till the month of August, 2002 the educational qualification prescribed for being appointed to the post of Junior Engineer Grade-II was matriculate.
4. On August 12, 2002 an order was issued by the Railway Board, which reads as under:-

“Subject: Selection of Intermediate Apprentices from amongst Skilled Artisans for absorption as JE Gr.II in the pay scale of ₹5,000 – 8,000 in various departments.

In terms of the extant procedure, as prescribed in para 142(1)(ii) of IREM, Vol. I, 1989, 25% of the vacancies in the category of JE Gr. II (C&W) in the pay scale of ₹5,000-8,000 are filled by induction of Intermediate Apprentices from amongst Skilled Artisans with qualification for Matriculation and three years service in skilled grades.

2. The Railway Safety Review Committee in Part I of their report have recommended that the minimum educational qualification for appearing in the selection of Intermediate Apprentices for absorption as Train Examiners since redesignated as JE. Gr.II (C&W) against 25% quota should be enhanced from existing qualification of Matriculation to ITI/Act Apprenticeship and that the existing condition of three years service may be revised to five years. The matter has been considered carefully by the Ministry of Railways. The views of both the Federations have also been taken into account. Taking all aspects into consideration the Ministry of Railways have decided not to accept the recommendation regarding revision of service

condition. However, the recommendation regarding revision of qualification of ITI/Act Apprenticeship has been accepted. It has also been decided to prescribe qualification of 10+2 in Science Stream as an alternative qualification to ITI/Act Apprenticeship.

2.1 Further, in order to maintain uniformity, it has also been decided to make applicable the enhanced qualification for selection as an Intermediate Apprentices for absorption as JE Gr. II in the pay scale of ₹5,000 – 8,000 in all other categories/departments wherever the system of induction of inter-apprentices from serving employees is applicable. It has, accordingly, been decided that educational qualification for consideration for selection as Intermediate Apprentices in all categories/Deptt. for absorption as JE Gr. II in the pay scale of ₹5,000 – 8,000 should henceforth be ITI/Act Apprenticeship or 10 + 2 in Science stream.

(Emphasis Supplied)

5. On June 6, 2003 the petitioner was promoted to the post of Technician Grade-III, after qualifying the Limited Departmental Competitive Examination.

6. On December 20, 2006 the Railway Board issued another order on the subject of selection of Technician Grade-III to the post of Junior Engineer Grade-II, which reads as under:-

“1. Reference this Ministry’s letter of even No. dt. 12.08.02 revising the qualification of Matriculation to ITI/Act Apprenticeship pass or 10+2 in Science stream for appearing in the selection for induction as Intermediate Apprenticeship Mechanics in the category of JE Gr II in the pay scale of ₹5000-8000 in all departments wherever practice of induction of Inter-Apprentice from serving employees is prevalent.

1.1 Further it was directed vide Board’s letter of even number dt. 23.06.2003 that the existing staff in service

as on 12.08.2002 who were eligible with pre-revised qualification of Matriculation may be allowed to appear in two consecutive selections held after the issue of the letter.

1.2 The matter has again been raised in the forum of DC-JCM. This was also discussed with both the Federations at a separate meeting held on 03.10.2006. The matter has been reconsidered by the Board and it has been decided that the existing staff in service as on 12.08.2002 who were eligible with pre-revised qualification of matriculation may be allowed to appear in two more consecutive selections from 01.11.2006 onwards.”

7. On August 25, 2003 the Railway Board issued yet another order on the subject of selection of Technician Grade-III to the post of Junior Engineer Grade-II, which reads as under:-

“Subject: Selection of Intermediate Apprentices from amongst Skilled Artisans for absorption as JE Gr.II in the pay scale of ₹5,000 – 8,000 in various departments.

Attention is invited to this Ministry’s letter of even number dated 12.08.2002 (RBE 136/2002) wherein the educational qualification of Matriculation was revised to ITI/Act Apprenticeship pass or 10+2 in Science Stream for appearing in the selection for induction as Intermediate Apprentice Mechanics in the category of JE Gr. II in the pay scale of ₹5000-8000 in all departments where the system of Induction of Inter Apprentice from serving employees is prevalent. It is clarified that the qualification of ITI/Act Apprenticeship should be in the trades relevant to the post of JE II for absorption in which the selection is conducted.

2. Indian Railway Establishment Manual (IREM) Vol. I, 1989 should also be amended as in the Advance Correction Slip No.151 enclosed.” (*Emphasis Supplied*)

8. On January 7, 2010 the respondents issued a notification for filling up of 6 posts in Junior Engineer Grade-II under Limited Departmental Competitive Quota, the relevant portion whereof reads as under:-

“1. Educational Qualification: In terms of Railway Board letter No.E(NG)1-99/PM/7/17 dated 23.10.2006, the educational qualification, metric is required for those workers who were employed as Technician Grade-III on or before 12.08.2002. This relaxation is given in terms of Railway Board letter dated 1.11.2006 only for two selections and those workers who were employed after 12.08.2002 as Technician Grade-III to them, the educational qualification ITI/Act Apprenticeship (respective trade) or 12th standard (10+2) education with science stream is required.”

(Emphasis Supplied)

9. Pursuant thereto, the petitioner applied for selection to the post of Junior Engineer Grade-II. However, the respondents rejected the candidature of the petitioner.

10. Aggrieved by his candidature being rejected, the petitioner filed an application under Section 19 of the Administrative Tribunals Act, 1985 before the Central Administrative Tribunal, Principal Bench, New Delhi inter-alia alleging that the action of the respondents of rejecting his candidature is patently illegal for the reason he is fully eligible for being appointed to the post of Junior Engineer Grade-II.

11. In the counter affidavit filed before the Tribunal it was contended by the respondents that in view of the order dated August 25, 2005 issued by the Railway Board, the petitioner was not eligible for being promoted to the post of Junior Engineer Grade-II for the reason the petitioner had undergone a course in mechanical trade from ITI whereas as per order dated August 25, 2003 the educational

qualification prescribed for appointment to the post of Junior Engineer Grade-II was a course in electric trade from ITI.

14. In the rejoinder filed by the writ petitioner it was contended by him that the:- (i) respondents ought to have applied order dated August 25, 2003 prospectively, in that, it should not have been applied to the officers who were born in the electric cadre prior to August 25, 2003 and (ii) relaxation should be granted to the petitioner as was done for others as per order dated August 12, 2002. In said regards, it would be relevant to note following portion of the rejoinder affidavit filed by the petitioner:-

“4.4 That the contents of para 4.4 of the counter affidavit are wrong and denied. It is submitted that the respondents are confusing the Hon’ble Tribunal by way of misrepresenting as well as misreading the relevant rules, the relief is based on between 12.08.2002 and 25.08.2003 because the applicant born in electric cadre after 12.08.2002, earlier there was a qualification of Metric but after 12.08.2002, another rule came into picture which speaks ITI irrespective of relevant trade but as on 25.08.2003 it has been enumerated that there should be ITI in relevant trade and between 12.08.2003 and 25.08.2003, there was no dispute of ITI either in mechanical trade or in electric trade. The respondents themselves gave relaxation to those who were appointed as technician grade-III before or as on 12.08.2002, when they have been given relaxation to those who were appointed before or as on 12.08.2002 to appear in test of JE-ii, under its obligation, the respondent ought to have clarified in mutatis mutandis as applied for those incumbents appointed till 12.08.2002 in respect of incumbents appointing between 12.08.2002 and 25.08.2003, averring that ITI in relevant is admissible to those who joined as technician grade-III on or after 25.08.2003, therefore the action of the respondents is illegal and arbitrary and the impugned notification dated 07.01.2010 is liable to

be set aside which is under challenged, therefore the applicant has every right to appear in test, moreover the rules applied by the respondents have no application in terms of judgment of Chairman Railway Board v Rangdhamahia.”

15. During the pendency of the claim before the Tribunal, under interim orders passed by the Tribunal the petitioner was permitted to take the Limited Departmental Competitive Examination and the result currently lies in a sealed cover.

16. Vide impugned judgment dated July 11, 2012, the Tribunal dismissed the application filed by the petitioner. The relevant portion of the reasoning of the Tribunal reads as under:-

“It is also relevant to note that after applicant was promoted as Electric Technician Grade-III, Railway Board had issued another letter dated 25.8.2003 which for ready reference reads as under:-

.....

meaning thereby that from 25.8.2003, it was made mandatory that if an ITI Apprentice wanted to be considered for the post of JE Grade-II, he should have passed ITI in the relevant trade and it is quite obvious, if a person wants to be appointed in the electric department, the least that is expected is that the person must have done his Apprenticeship in the said trade. This letter has not been challenged by the applicant. So long the qualifications for the post were prescribed by the Railway Board and applicant did not fulfill them, no case is made out for interference by the Tribunal specially when these rules have not been challenged by the applicant. Simply because applicant had worked in the Electric Department on his own request, no direction can be given to the respondents to consider him de hors the rules. It is not a case where applicant was transferred from Mechanical side to the Electric side by the respondents, on their own, but applicant had himself sought transfer to the Electric Department, therefore, he cannot say that respondents had

transferred him from the Mechanical to the Electrical side. Since applicant does not fulfill the requirement of the rules, we find no merit in the OA. The same is accordingly dismissed. No costs. (*Emphasis Supplied*)

17. Aggrieved by the impugned judgment dated July 11, 2012 passed by the Tribunal the petitioner has filed the instant petition under Article 226 of the Constitution of India.

18. At the forefront of the challenge is reliance upon the legitimate expectation of the petitioner who had an ITI qualification in a mechanical trade and was recruited by the Indian Railways in the mechanical cadre but was permitted to be transferred in the electric cadre in the year 1996 when there was no stipulation that for being promoted as a Junior Engineer in the electric cadre the persons in the cadre should be having an ITI qualification in electric trade. We highlight that as of the said year the only prescription was of having ITI qualification, without any trade being specified.

19. What is the doctrine of 'legitimate expectation'? A survey of leading decisions on the point which we need not catalogue since the legal position is well settled; we may only note the summarization thereof as under:-

I. Mere reasonable or legitimate expectation of a citizen may not by itself be a distinct enforceable right, but failure to consider and give due weightage to it may render the decision arbitrary.

II. Legitimate expectation may arise (a) if there is an express promise given by a public authority; or (b) because of acceptance of a regular practice, a claimant can reasonably expect it to continue; and (c) such expectation may be reasonable.

III. For a legitimate expectation to arise, the decision of

administrative authority must affect the person by depriving him of some benefit or advantage which he had in the past been permitted, by the decision maker, to enjoy and which he can legitimately expect to be permitted to continue, until some rational grounds for withdrawing it have been communicated to him.

IV. If the authority proposes to defeat a person's legitimate expectation, it should afford him an opportunity to make a representation in the matter.

V. The doctrine of legitimate expectation permits the Court to find out if the change in policy which is the cause for defeating the legitimate expectation is irrational or perverse or one which no reasonable person could have made.

20. Having noted the general principles pertaining to doctrine of legitimate expectation, let us proceed to note judicial decisions where applicability of said doctrine was examined by the Courts in similar facts situation.

21. In the decision reported as (1996) 10 SCC 536 University Grants Commission v Sadhana Chaudhary & Ors. the facts were that in exercise of powers conferred by Section 26(1)(e) of University Grants Commission Act, 1956 University Grants Commission (hereinafter referred to as 'UGC') framed University Grants Commission (Qualifications Required of a Person to be Appointed to the Teaching Staff of a University and Institutions Affiliated to it) Regulations 1982 (hereinafter referred to as '1982 Regulations'). Under the 1982 Regulations the minimum qualifications prescribed for appointment to the post of University lectures were (i) a Doctorate's Degree or Research Work of equally high standard; and (ii) a good academic record with at least second class (C I the seven point scale) Master's

degree in a relevant subject from an Indian University or an equivalent degree from a foreign University. For college lectures the minimum qualifications prescribed were:- (i) an M.Phil degree or recognized degree beyond the Master's level or published work indicating the capacity of a candidate for independent research work; and (ii) good academic record with at least second class (C in the seven point scale) Master's degree in a relevant subject from an Indian University or an equivalent degree from a foreign University. Thereafter UGC framed University Grants Commission (Qualifications required of a Person to be Appointed to the Teaching Staff of a University and Institutions Affiliated to it) Regulations 1991 (hereinafter referred to as '1991 Regulations'). The 1991 Regulations superseded the 1982 Regulations and prescribed the following minimum qualifications for the post of lecturer in universities and colleges:- (i) Good academic record with at least 55% marks or an equivalent grade at Master's level in the relevant subject from an Indian University or an equivalent degree from a foreign University and (ii) Candidates besides fulfilling the above qualifications should have cleared the eligibility test for lectures conducted by UGC, CSIR or similar tests accredited by UGC. Vide circular dated 10.02.1993 UGC granted exemption to the candidates who would submit their Ph.D thesis upto 31st December, 1993 and the candidates who were awarded M.Phil degree upto 31.03.1991 from appearing in the eligibility test. Vide notification dated 21.06.1995 1991 Regulations were amended and a proviso was added to the provision regarding the requirement of clearing the eligibility test for appointment to the post of lecturer to the effect that candidates who would submit Ph.D thesis or passed M.Phil examination by 31st December 1993. The act of UGC of granting exemption to the

candidates from appearing in the eligibility test was challenged in Supreme Court, which challenge was repelled by the Court in the following terms:-

"22. We may now come to the validity of the exemption from the requirement regarding clearing the eligibility test that has been granted under the Circulars dated 10-2-1993 and 15-6-1995 and the notification dated 21-6-1995. Shri S.B.Sanyal, learned Senior Counsel appearing for the appellants in civil appeal arising out of SLP (C) No. 27375 of 1995, has submitted that having regard to the report of the National Commission on Teachers II and the report of the Mehrotra Committee, which form the basis for introducing this requirement by the UGC in the 1991 Regulations, there is no rational basis for granting exemption from the eligibility test to candidates who had submitted Ph.D. thesis or passed the M.Phil. examination by 31-12-1993. We find no merit in this contention. Prior to the making of the 1991 Regulations there was no statutory requirement regarding clearing the eligibility test for the purpose of appointment on the post of Lecturer. Such a requirement was introduced for the first time by the 1991 Regulations. At the time when the 1991 Regulations were made the provisions contained in the 1982 Regulations had given rise to a legitimate expectation that a person having a Ph.D. or M. Phil. degree and having good academic record as prescribed under the 1982 Regulations would be eligible for appointment on the post of Lecturer without anything more. While introducing the requirement of clearing the eligibility test in the 1991 Regulations, the UGC did not intend to deprive the persons who had obtained M. Phil. degree or Ph.D. degree prior to the making of the 1991 Regulations of their legitimate expectation in the matter of appointment on the post of Lecturer in universities or colleges. It was also felt that the said requirement in the 1991 Regulations should not operate to the prejudice of persons who, having regard to the qualifications prescribed in the 1982 Regulations, had registered for the Ph.D. degree or had joined study for M. Phil. degree

course prior to making of the 1991 Regulations and, therefore, provision was made for granting exemption to such candidates with the condition that they should have passed M. Phil. examination or should have submitted Ph.D. thesis by a particular date.....We are, therefore, unable to hold that the exemption that has been granted by the amendment introduced in the 1991 Regulations by notification dated 21-6- 1995 is violative of the right to equality guaranteed under Article 14 of the Constitution." (Emphasis Supplied)

22. In the decision reported as (2005) 1 MLJ 378 Dr. M. Sathiyapriya v Secretary to Government, Health and Family Welfare Department & Ors the appellants were doctors who were appointed in various Primary Health Centers under Government of Tamil Nadu in the year 2001. The relevant rule prevailing at the time of their appointment was that they can seek admission to the Post Graduate/Diploma in Medicine Course only after completion of their two years service in Government Primary Health Centers. In February 2004, a prospectus was issued by the government for admission to Post Graduate Medicine Course for the academic year 2004-2005 introducing a new Clause 23 providing eligibility criteria for admission to Post Graduate Degree/Diploma in Medicine Courses increasing the two years period of service in Primary Health Center to three year. On being aggrieved over the increase of the service from two years to three years as eligibility criteria for admission to Post Graduate Degree/Diploma in Medicine Courses, the appellants filed writ petitions before a Single Judge of Madras High Court assailing the validity of Clause 23 of the Prospectus, which petitions were dismissed. Aggrieved by the dismissal of their writ petitions, the appellants filed appeals before a Division Bench of Madras High Court. One of the contentions advanced by the appellants was predicated upon the doctrine of

legitimate expectation, which contention was accepted by the Court in the following terms:-

"According to the writ appellants that they joined service in Primary Health Centers only on the assurance through the then service conditions and eligibility criteria prescribing the minimum qualifying service, namely two years to apply for Post Graduate course. The writ appellants have acted upon such promise and applied for the Post Graduate Course on completion of two years. At that stage, curiously, the respondents introduced the impugned Clause 23 for the first time in the Prospectus for the academic year 2004-2005. While they joined the service in Primary Health Centers in the year 2001, they were made to believe by the then existing clause that they were to undergo only two years of service in the Primary Health Centers and they can apply for Post Graduate Course in which 50% of the seats were earmarked for the service candidates.

It is not debated that the then existing rule at the time of appointment giving the said promise stipulating two years period was made only to attract the Doctors to make them join service in Primary Health Centers to serve the rural masses so that they may readily go to join service and then pursue their studies in the Post Graduate Course by joining the same after serving two years. Had they known at the time of appointment in the year 2001 the initial period for service in Primary Health Centers would be increased from two years to three years or more, they would not have joined the service. On the other hand, they would have opted to seek the chance of joining the Post Graduate Course directly through open category. This was not allowed to be done.

When there is express promise given by the public authority relating to the compulsory service of two years in the Primary Health Centers assuring that they would be allowed to join Post Graduate Service after

completion of two years making the writ appellants to believe that it may happen after completion of two years and when the expectation of their entry into Post Graduate Course is reasonable in the light of the promise given earlier, the sudden introduction of the clause making as three years without any reason and without giving any opportunity to make the representation with reference to their grievance would certainly defeat a person's legitimate expectation.

If a denial of legitimate expectation in a given case amounts to denial of right guaranteed or is arbitrary and unfair or violation of principles of natural justice, the same can be questioned by this Court. The court must lift the veil and see whether the decision is violative of these principles warranting interference. In determining whether there is any unfairness involved, the nature of the right infringed, the underlying purpose of the restriction imposed, the extent of the evil sought to be remedied, the prevailing condition at the relevant time have to be analyzed before the court enters into judicial verdict.

In light of the principles laid down by the Supreme Court, the Court is well within its rights to find out whether the introduction of the new clause under the garb of change of policy which is the cause for defeating the legitimate expectation is irrational or perverse or unreasonable.

In that view of the matter, we are constrained to hold that the introduction of Clause 23 is opposed to legitimate expectation and consequently, this Court has to accept the contention of the writ appellants with reference to the same."

23. In the light of the ratio laid down in the afore-noted two judicial decisions, we proceed to examine the present case.

24. As already noted hereinabove, the petitioner who was an

intermediate and had undergone a course in the mechanical trade from the ITI was directly recruited to the post of Khalasi in the mechanical trade of the Railways. In the year 1996 the petitioner was transferred to the electric cadre of Railways albeit at his own request. At that time i.e. in the year 1996 the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II was matriculate. Thus, at the time when the petitioner joined the electric cadre he could legitimately expect that he would get appointed to the post of Junior Engineer Grade-II in case he is able to clear the examination held for appointment to said post. Then came August 12, 2002 when the Railway Board issued an order changing the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II from matriculate to intermediate or 'a course in any trade' from ITI. On June 6, 2003 the petitioner got promoted to the post of Technician Grade-III after clearing the examination held for appointment to the said post. Thereafter on August 25, 2003 the respondents issued yet another order changing the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II from 'a course in any trade' from ITI to '*a course in electric trade*' from ITI. In that view of matter, the action of the respondents of applying the order dated August 25, 2003 which changed the educational qualification required for being eligible to be appointed to the post of Junior Engineer Grade-II and thereby rendering the petitioner who was born in the electric cadre prior to August 25, 2003 ineligible for applying to the said post is opposed to legitimate expectation of petitioner and is thus arbitrary.

25. The matter can also be looked at from another angle and

assuming our view above with respect to legitimate expectation is found wanting, the petition would succeed on the strength of the said reasoning alone.

26. As already noted hereinabove, prior to August 12, 2002 the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II was matriculate. By virtue of the order dated August 12, 2002, the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II was changed from matriculate to intermediate or a course in any trade from ITI. By virtue of the orders dated June 23, 2003 and December 20, 2006 the officers working on the post of Technician Grade-III prior to August 12, 2002 i.e. the date of issuance of order changing eligibility condition were granted relaxation from meeting the changed eligibility condition prescribed in the order dated August 12, 2002. Yet again, on August 25, 2003 the educational qualification prescribed for being eligible to be appointed to the post of Junior Engineer Grade-II was changed from a course in any trade from ITI to a course in electric trade from ITI. However, no relaxation was granted to the officers working on the post of Technician Grade-III prior to August 25, 2003 i.e. the date of issuance of order changing eligibility condition from meeting the eligibility condition prescribed in the order dated August 25, 2003 as was granted in the case of order dated August 12, 2002. The aforesaid differential treatment meted out to the officers working as Technician Grade-II in the matter of grant of relaxation from meeting the changed eligibility condition prescribed in the orders dated August 12, 2002 and August 25, 2003 falls foul of the Article 14 of the Constitution of India. Such being a position, similar relaxation is required to be granted to the officers working as

Technician Grade-III prior to August 25, 2003 from meeting the changed eligibility condition prescribed in the order dated August 25, 2003 as was granted in the case of the order dated August 12, 2002.

27. Thus, looked at from any angle, the eligibility of the petitioner for being appointed to the post of Junior Engineer Grade-II had to be determined with reference to the order dated August 12, 2002 and not with reference to the order dated August 25, 2003. When the eligibility of the petitioner is being determined with reference to the order dated August 12, 2002 he would clearly be eligible for appointment to the post of Junior Engineer Grade-II and participate in the examination held for appointment to said post conducted by the respondents in terms of the notification dated January 7, 2010.

28. As already noted hereinabove, vide an interim order the Tribunal permitted the petitioner to participate in the examination conducted by the respondents in terms of the notification dated January 7, 2010 and directed the respondents to place the result of the petitioner in a sealed cover. We are informed that the result of the petitioner is still lying in the sealed cover.

29. In view of above discussion, we direct the respondents to open the result of the petitioner. In case the petitioner has qualified in the examination, we direct the respondents to appoint the petitioner to the post of Junior Engineer Grade-III with effect from the date the petitioner would have got appointed to the said post had the respondents not rejected the candidature of the petitioner. The petitioner would be entitled to all consequential benefits of seniority as per his merit position and placement in the applicable pay-scale on notional basis but without any back-wages being paid to him which we deny on the principle : *'No work No pay'*

30. The petition is accordingly allowed but without any order as to costs.

(PRADEEP NANDRAJOG)
JUDGE

(VEENA BIRBAL)
JUDGE

FEBRUARY 07, 2013
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