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

CNR No. DLHC011011212018

+ **CONT.CAS(C) 263/2018**

RAVINDRA SINGH

.....Petitioner

Through: None

versus

ANSHU PRAKASH & ORS

....Respondents

Through: Mrs Avnish Ahlawat, Standing Counsel (GNCTD Services) with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

01.09.2026

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1. The present Contempt Petition [**“present Petition”**] has been filed under Article 215 of the Constitution of India read with Sections 2(b) and 12 of the Contempt of Courts Act, 1971, seeking initiation of contempt proceedings against the Respondents for the alleged wilful disobedience of the directions issued by the Hon’ble Division Bench of this Court in its Judgment dated 28.08.2017 passed in W.P.(C) 2165/2015. The directions, alleged to have been violated, are contained in paragraph 18 of the said Judgment, which reads as under:

“18. We direct that the Petitioner be considered for appointment as a Sub Officer on basis of his performance in the selection process already undertaken by him. In case the marks obtained by him are more than the last selected OBC candidate, he would be granted appointment as a Sub-Officer and granted all notional benefits. He will, however, not be entitled to any back wages.”



2. None appears on behalf of the Petitioner. It is further noted that even before the Hon'ble Supreme Court, none had appeared on behalf of the Respondent therein, i.e., the Petitioner in the present proceedings.

3. Learned counsel for the Respondents submits that the very directions in respect of which contempt is alleged in the present Petition have since been set aside by the Hon'ble Supreme Court vide Judgment dated 12.09.2022 passed in Special Leave Petition (C) Nos. 12474-12475/2019. A copy of the aforesaid Judgment by the Hon'ble Supreme Court has been handed over to the Court. The same reads as under:

“Leave granted.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 28-08-2017 passed by the High Court of Delhi at New Delhi in WP(C) No.2165/2015 as well as order dated 05-04-2019 in RP No. 365/2018 in WP(C) No. 2165/2015, the original respondents before the High Court/Government of NCT of Delhi and others have preferred the present appeals.

2. Though served, none has appeared on behalf of the respondent/original applicant.

3. Applications were invited for the post of Sub Officer in Delhi Fire Service – Group ‘C’ post. The age prescribed for the post of Sub-Officer was not exceeding 27 years (relaxable in upper age limit for SC/ST - 5 years). The candidates belonging to OBC were entitled to three years age relaxation. The respondent herein applied for the said post, however, he was not given the age relaxation of three years. Therefore, the respondent approached the Tribunal. It was the case of the respondent/original applicant that though he was found to be more meritorious than the last candidate selected from the OBC category, he has not been appointed. The learned Tribunal dismissed the application. However, by the impugned judgment and order the High Court has allowed the writ petition by observing that in the advertisement, there was no mention of age relaxation with respect to OBC candidates. The High Court observed that the respondent, who belong to OBC ought to have been given the benefit of three years age relaxation. A review application was filed pointing out that as the respondent belong to outside OBC candidate and, therefore, as per the advertisement, he was not entitled to three years age relaxation. The High Court has rejected the review application observing that such a plea was not taken up earlier.

4. Having gone through the impugned Judgment and orders passed by the High Court and even having gone through the advertisement issued in the year 2009 which fell for consideration before the High



Court, it was specifically mentioned that a candidate belonging to OBC is entitled to three years age relaxation. In the note, it is also specifically provided that “OBC candidates seeking benefit of reservation should submit OBC Certificate issued by the Competent Authority of Government of NCT of Delhi. All other OBC candidates with certificate issued from outside Delhi will be considered for the unreserved category only, if eligible otherwise”. Therefore, OBC candidates belonging to outside the Government of NCT of Delhi were considered in the unreserved category.

5. In that view of the matter, the respondent being OBC outside the Government of NCT of Delhi and as the condition mentioned in the advertisement was not under challenge, the respondent was not entitled to the benefit of three years age relaxation and his case was to be considered in the unreserved category. Thereafter, when he was found to be over-age, it cannot be said he was wrongly denied the appointment. When it was pointed out by way of review application, the High Court has refused to consider the review application. The High Court ought to have considered the aforesaid aspect which goes to the root of the matter.

6. In view of the above and for the reasons stated hereinabove, both the appeals succeed. The impugned judgment and order passed by the High Court in the Writ Petition as well as in the Review Application are hereby quashed and set aside.

7. The present Appeals are accordingly allowed. No costs.”

4. In view of the aforesaid, and particularly in view of the fact that the very Judgment i.e., Judgment dated 28.08.2017 containing the directions alleged to have been violated has been quashed and set aside by the Hon’ble Supreme Court, nothing further survives for consideration in the present Petition.

5. Accordingly, the present Contempt Petition, along with pending Application(s), is disposed of as having become infructuous.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 1, 2026/rk/ma