

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

+ W.P.(C) 3220/2015 & C.M.No.5755/2015

% **27th March, 2015**

JAMSHED ANSARI Petitioner
Through: Petitioner in person.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Vikas Mahajan, Advocate for R-1.
Mr.V.N.Koura with Mr.Nikhil
Mundeja, Advocates for R-2.

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

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner, who is an Advocate seeks two reliefs against the respondent no.2/Oil & Natural Gas Corporation Ltd. (ONGC). The first relief which is prayed for by the petitioner is that the selection process including the examination which is conducted by the respondent no.2, the respondent no.2 should not charge fees/charges of Rs.4,000/- for General/OBC/PWD category and Rs.3,500/- for SC/ST candidates because the same are on the high side. Second relief which is prayed for is that for

the post in question which is of the Assistant Legal Advisor, respondent no.2 should be asked to reduce the minimum eligibility criteria of candidates and considering candidates who have less than 60% marks in the L.L.B examination.

2. In my opinion, the writ petition is totally misconceived for the reason that, firstly so far as the eligibility criteria is concerned, this Court cannot direct an employer as to what the eligibility criteria must be fixed which it wants to be complied, with respect to appointment for a particular post, the post being Assistant Legal Advisor in this case. Courts cannot pass orders to reduce high standards of eligibility criteria if an employer requires the same for filling up a particular post. The Courts cannot substitute their own views and decisions for the decisions taken by the management of what should be an eligibility criteria for the post in question.

3. So far as the relief of reduction of the fees/charges for the selection process and the examination is concerned, it is contended that the petitioner is an OBC candidate, and a sum of Rs.4000/- is a high amount, because in other examinations for certain other posts the respondent no.2 is charging lesser fees of either Rs.500/- or Rs.750/-, and therefore the fees/charges should also be reduced for this selection process. This relief also in my opinion is misconceived because, surely it will take accounting and statistics

that the fees which are charged by the respondent no.2 are on the higher side, and this has to be demonstrated to this Court that the fees/charges being received by the respondent no.2 for the selection process and the examination are much more than the costs which would be incurred by the respondent no.2. Petition is however bereft of any statistics or basis to show that the charges claimed by the respondent no.2 are not in accordance with the costs to be incurred by the respondent no.2 for the subject selection process including examination.

4. Dismissed.

MARCH 27, 2015
KA

VALMIKI J. MEHTA, J.