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

+ **W.P.(C) 852/2016**

YOGESH MAHAJAN Petitioner

Through: Petitioner in person

versus

**DIRECTOR, ALL INDIA INSTITUTE OF MEDICAL SCIENCES &
ANR** Respondents

Through: Mr. R.K. Gupta & Mr. M.K. Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **05.02.2016**

CM No.3766/2016

Allowed, subject to all just exceptions.

The application stands disposed off.

WP(C) No.852/2016

We have heard the petitioner who appears in person, but do not find any ground or reason to interfere with the impugned order dated 26th August, 2015 passed in O.A. No. 2865/2011.

The principles of *res judicata* and constructive *res judicata* would clearly apply, for the petitioner had earlier filed OA No.1183/2009 and then OA No.4104/2010. The second OA pertained to termination of the petitioner's *ad hoc* appointment as Technical Assistant (ENT) in AIIMS on

8.9.1998 which continued till 24.11.2010. In the first OA, the petitioner had questioned the selection process which was initiated and in which the petitioner himself had participated in the year 2001-2002 but was not selected.

It is difficult to perceive and accept that the petitioner, who was working in AIIMS, was not aware of the selection of respondent No.2/Arun Kumar in 2006. The impugned order specifically refers to the first order passed by the Tribunal in OA No.1183/2009 dated 24.4.2009, which refers to appointment of Arun Kumar.

In these facts and circumstances, we do not think that the petitioner was entitled to question and raise the issue which could have been raised with the two petitions filed by him. Moreover, the challenge was belated and delayed. The O.A. in question, third in time, was filed on or about 04.08.2011.

The writ petition is dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

FEBRUARY 05, 2016

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