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

+ W.P.(C) 1699/2016

RAKESH GOYAL

..... Petitioner

Through: Mr. Sandeep Sharma with Ms. Risha
Mittal, Advocates.

versus

PUBLIC ENTERPRISES SELECTION BOARD

..... Respondent

Through: Mr. Manik Dogra with Mr. Nitya
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **29.02.2016**

W.P.(C) 1699/2016 & CM No.7279/2016

1. By way of present petition under Article 226 of Constitution of India the petitioner, *inter alia*, seeks quashing of notices dated 27.01.2016 and 03.02.2016 issued by respondent whereby the name of the petitioner was not included in the list of candidates, who were called for interview on 29.02.2016.
2. Learned counsel for the petitioner submits that the respondent issued letter dated 28.10.2015 inviting candidates for the post of Chairman & Managing Director at IRCON International Ltd. The petitioner sent application dated 04.12.2015 to Under Secretary, Railway Board, New Delhi

for onward transmission to respondent and the same was considered by Ministry of Railways. The petitioner was placed at Serial.No.1 for the consideration of the said post vide office memorandums dated 31.12.2015 and 11.01.2016. Thereafter, respondent issued letter dated 27.01.2016 enclosing list of 15 candidates for interview.

3. Learned counsel for the petitioner further submits that despite being placed at Serial No.1 by the Ministry of Railways the petitioner's name did not appear in the final list of candidates shortlisted for interview. He further submits that the respondent erred in not considering that the age of 57 years and 5 days of the petitioner is inconsequential as his age on the date of accruing of the vacancy on 01.10.2016 is 57 years and the retirement date is 30.09.2019.

4. Learned counsel for the petitioner further submits that the petitioner has made a representation on 03.02.2016 to the respondent which is still pending.

5. Mr.Manik Dogra, learned counsel for the respondent, appearing on advance notice submits that petitioner's representation dated 03.02.2016 was received by respondent through Railway Board on 10.02.2016. Learned counsel for the respondent, on instructions, further submits that petitioner's representation dated 03.02.2016 will be decided by respondent within two days and till the representation is decided no candidate will be selected for the post of Chairman & Managing Director/IRCON International Ltd.

6. In view of the aforesaid, the present petition as well application are disposed of with directions to the respondent to decide the representation dated 03.02.2016 of the petitioner within two days from today. It is further directed that till the representation is decided no candidate shall be

appointed to the post of Chairman & Managing Director/IRCON
International Ltd.

Dasti.

V.P.VAISH, J

FEBRUARY 29, 2016

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