

\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6867/2015**
UNION OF INDIA & ANR

..... Petitioner

Through: Mr. Arun Bhardwaj, CGSC with Mr.
Mimansak Bhardwaj, Adv.

versus

RAJIV KUMAR

..... Respondent

Through: Mr. Pranav Sapra with Mr. Ankit
Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **25.05.2016**

In our order dated 26.02.2016 we had recorded the statement of counsel for the petitioner that no candidate belonging to Scheduled Caste, Scheduled Tribe or OBC category who had secured a rank below that of the respondent and meeting the general standard had been allocated Delhi Zone. We had referred to the contra statement made by counsel for the respondent relying upon information received under the Right to Information Act, 2005.

2. The petitioners have filed their affidavit dated 18.04.2016 enclosing therewith charts relating to vacancies in the post of Inspector under the Central Board of Excise and Customs selected on the basis of CGLE, 2008.

3. Learned counsel for the respondent states that he has examined

the said affidavit and the chart. In view of the aforesaid factual position, he concedes and accepts that the order of the Tribunal cannot be sustained. We take the statement on record and appreciate the fairness on the part of the counsel for the respondent.

4. In view of the aforesaid, the directions given in the impugned order passed by the Tribunal cannot be sustained and are accordingly set aside. We clarify that we have not expressed any opinion on the legal position as expressed by the Tribunal as the said aspect is not required to be decided and is of academic interest.

5. The writ petition is allowed in the above terms.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 25, 2016/acm