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

+ W.P.(C) 11509/2016

AKHIL CHOUDHARY

..... Petitioner

Through: Mr. Puneet Jain and Mr. Harsh Vardhan,
Advocate

versus

DELHI METRO RAIL CORPORATION LTD. Respondent

Through: Mr. V. S. R. Krishna with Mr. Subodh
Kaushik, Advocate.

With

+ W.P.(C) 11520/2016

AJAY CHOUDHARY

..... Petitioner

Through: Mr. Puneet Jain and Mr. Harsh Vardhan,
Advocate

versus

DELHI METRO RAIL CORPORATION LTD. Respondent

Through: Mr. V. S. R. Krishna with Mr. Subodh
Kaushik, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.12.2016

CM Nos. 45226-45227/2016 in W.P.(C) No. 11509/2016

CM Nos. 85356-85357/2016 in W. P. (C) No. 11520/2016

Exemptions allowed subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 11509/2016 & CM No. 45225/2016 (direction)

W.P.(C) 11520/2016 & CM No. 85355/2016 (direction)

1. The petitioners herein had applied for selection as Customer Relations Assistant in the Other Backward Class category. The petitioners are Jats from the State of Rajasthan, and claim Other Backward Class status under the Government of India notification dated 27.10.1999. It is submitted the said notification has not been struck down by the Supreme Court in the case of Ram Singh and Ors. Vs. Union of India, (2015) 4 SCC 697, which strikes down the notification dated 04.03.2014.

2. Similar issue is pending before this court in W.P.(C) 1751/2016, Vivek Kumar Vs. Delhi Metro Rail Corporation. In the said writ petition, notice was issued to the Union of India for clarification and affirmation of their stand and stance. The order dated 19.04.2016 in the case of Vivek Kumar (Supra), records the Union of India's stand that Ram Singh (Supra) strikes down the notification dated 04.03.2014 and not the earlier notification dated 27.10.1999 granting Other Backward Class status to Jats in the State of Rajasthan, except for Jats in the area of Dholpur and Bharatpur area of the said State. Notification dated 04.03.2014 had extended other Backward Class status to residents of Dholpur and Bharatpur area.

4. The petitioners assert that they are included and covered by
W.P.(C) Nos. 11509/2016 & 11520/2016

the notification dated 27.10.1999 which is operative and they are identically situated as Vivek Kumar. In the case of Vivek Kumar, interim order dated 19.04.2016 has been passed. Consistency and uniformity must be maintained.

5. We find merit in the contention raised. Accordingly, it is directed that one post for each of the petitioners as Customer Relations Assistant in the Other Backward Class category, if not filled up, will be kept vacant till the decision of the Original Applications filed by the petitioners. Further, for just and good reasons, the Tribunal would be at liberty to modify or vacate this interim order.

6. We make it clear that Tribunal will decide the Original Applications in accordance with law. The observations made above are *prima facie* and not final and binding.

7. The writ petitions are disposed of. No order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

DECEMBER 07, 2016
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