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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No.11585/2016 and C.M. Nos.45631/2016 (stay) & 45632/2016 (exemption)

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7th December, 2016

DHANRAJ POSWAL

..... Petitioner

Through: Mr. Yogesh Rathee, Advocate.

versus

UNIVERSITY OF DELHI AND OTHERS

..... Respondents

Through: Mr. Shikhar Saha, Advocate with Mr. Santosh Kumar, Advocate for respondent No.1.

Mr. Apoorv Kurup, Advocate with Mr. Avanish Rathi, Advocate for respondent No.2.

Mr. Amit Bansal, Advocate with Ms. Seema Dolo, Advocate and Ms. Surbhi Mehta, Advocate for respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This Court has tried its level best while reading this petition so as to at least understand as to what is the legal cause of action which is pleaded in this writ petition filed under Article 226 of the Constitution of

India for the reliefs as claimed in this writ petition. The reliefs claimed in this writ petition read as under:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to issue a writ of certiorari or of any other nature thereby restraining the respondent No.3 from recruiting any new employee and or promoting employees of Ramjas College against the examination conducted by him from 16.11.2016 to 25.11.2016 and also thereby directing the respondent No.1 and 2 to handover the examination process for recruitment and promotion of employees of Ramjas college to some independent Govt. agency.

Pass any other relief or remedy which this Hon’ble Court may deem fit and proper be also awarded in favour of the petitioner.”

2. Effectively the reliefs claimed are for restraining the respondent no. 3/Principal of Ramjas College from recruiting new employees or promoting existing employees against the examination to be conducted from 16.11.2016 to 25.11.2016.

3. At the outset, it may be noted that the same petitioner had earlier filed an almost identical writ petition being W.P. (C) No. 11029/2016, and which had come up a few days before this Court, and which was allowed to be withdrawn with the liberty to file a fresh petition giving a legal cause of action which is complete in law, however, this writ petition has been filed not only concealing the *factum* of the earlier writ petition having been filed and what was the earlier order passed in the earlier writ petition and also without pleading a legally complete cause of action which is required. Counsel for the petitioner concedes that earlier a

writ petition was filed and there is no mentioning of the same in the present writ petition nor is the order dated 23.11.2016 filed by which the earlier writ petition was withdrawn with a specific liberty to file a new petition only on pleading a legally complete cause of action. At this stage, copy of the earlier writ petition W.P. (C) No.11029/2016, has been given to the Court by the counsel appearing for the respondent no.2/UGC. A copy of that writ petition W.P.(C) No.11029/2016 has been perused by this Court and it is found that the present writ petition is nothing but a rehash of the earlier writ petition being W.P. (C) No.11029/2016. The order dated 23.11.2016 by which W.P. (C) No.11029/2016 was withdrawn reads as under:-

“This writ petition is disposed of as not pressed as there is a complete lack of factual averments of the cause of action for seeking the relief of cancellation of the examination, and therefore, counsel for the petitioner, as prayed for, is allowed to withdraw the present writ petition to file a writ petition containing complete facts of causes of action with the reliefs to be claimed.”

4. If in a writ petition promotions of the persons are challenged, then, it has to be challenged by pleading which is the rule of promotion, how that rule of promotion is violated, how the examinations are being conducted in violation of the rules etc etc. Except bland and general averments, no legal cause of action is pleaded in the writ petition as to which is the rule of promotion which is being violated for promoting various persons. Also, the necessary parties i.e the affected persons who have been promoted have not been made parties to this writ petition. There

is a general averment in the writ petition that question papers and answer papers are being given in advance, but, I fail to understand as to how this Court can believe such type of bland self-serving averments which have a far reaching impact and consequences without the same in any manner being substantiated.

5. It is therefore clear that the petitioner is indulging in repeated litigations which are an abuse of process of law. Facts with respect to earlier writ petition being filed and order passed thereon have been concealed. There are no better and legally complete averments as to how a legal cause of action is made out for claiming the reliefs in this writ petition. Affected parties have not been made parties to the writ petition. Bland averments are made of cheating etc, without in any manner substantiating the same.

6. In view of the above, this writ petition being wholly misconceived because it lacks in material particulars of existence of a legally complete cause of action, non-mentioning of the relevant rules and how they are violated is not stated in the writ petition, writ petition is hit by non-joinder of necessary parties etc etc. Writ petition is accordingly dismissed.

DECEMBER 07, 2016/ Ne

VALMIKI J. MEHTA, J