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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1513/2016

VINOD SHARMA

..... Petitioner

Through: Mr. Pradeep Narula, Advocate with
Ms. Urmila Varma, Advocate.

versus

**MINISTRY OF URBAN DEVELOPMENT
LAND & DEVELOPMENT AND ANR**

..... Respondents

Through: Mr. Dev P. Bhardwaj, Advocate for
respondent No.1.

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Date of Decision: 24th February, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

CM Appl. 6526/2016 (exemption) in W.P.(C) 1513/2016

Allowed, subject to just exceptions.

W.P.(C) 1513/2016

1. Present writ petition has been filed challenging the order dated 13th January, 2015 whereby the petitioner's nomination for tenure membership of India Habitat Centre from the former Urban Development Minister's discretionary quota was cancelled on the ground that the procedure for nomination of the petitioner's associate membership has been found in

contravention of the Rules and Regulations/Established Procedure of the Government of India.

2. Learned counsel for petitioner states that the removal of petitioner from associate membership is in contravention of principles of natural justice as the petitioner has not been informed of the Rules contravened and no show cause notice was issued to him.

3. Learned counsel for petitioner further states that his enrolment as an associate member was out of Government quota and according to the cancellation order, the same appointment is in violation of the Government Rules/Established Procedure. Accordingly, he submits that the two are contrary to each other.

4. In the opinion of this Court, no citizen has a legal right leave alone a Fundamental Right, to seek Associate Membership of a club under a discretionary quota. It is also not clear as to why the petitioner was enrolled in the discretionary quota.

5. In the opinion of this Court, unless and until the members appointed in the discretionary quota are prima facie differentially placed like a war widow, such members cannot invoke the high prerogative remedy of writ petition.

6. Consequently, present writ petition is dismissed.

MANMOHAN, J

FEBRUARY 24, 2016

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