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

+ W.P.(C) 134/2016

NEETU

..... Petitioner

Through: Mr. G.V. Rao and Mr. A.K.
Upadhyay, Advocates

versus

DEPARTMENT OF FINANCIAL SERVICES & ORS

..... Respondents

Through: Dr. L.C. Singhi, Advocate for
respondent No.1-UOI
Mr. Arun Aggarwal, Advocate for
respondents No.2 & 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
08.01.2016

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CM APPLN.659/2016 (Exemption)

Allowed subject to all just exceptions.

W.P.(C) 134/2016 & CM APPLN.658/2016 (Stay)

Petitioner claims to have applied under the *Other Backward Classes (OBC)* category for the post of Probationer Officer and was offered provisional appointment as Probationer Officer by the respondent-Bank, which was withdrawn vide Communication of 21st August, 2015 (*Annexure-IX*). Respondent-Bank's impugned communication of 3rd November, 2015 (*Annexure-XIV colly.*) refuses to consider petitioner's case under the unreserved category without any justification.

In this petition, petitioner relies upon RTI information (*Annexure-XI colly.*) to submit that in view of quashing the Notification of 4th March, 2014 by the Apex Court, the candidates under the OBC category of this Notification have to be treated as one from General Category.

At the hearing, learned counsel for petitioner had placed reliance upon decisions in *Union of India v. Ramesh Ram and Others* (2010) 7 SCC 234 and *Ram Singh & Ors. v. Union of India* (2015) 3 SCALE 570 to submit that respondents are required to consider the case of petitioner under the General Category.

In the facts and circumstances of this case, it is deemed appropriate to dispose of this writ petition with direction to respondent-Bank to treat this writ petition as a Representation and to decide it in the light of the UPSC's communication (*Annexure-XI colly.*) and the precedents cited by petitioner, within a period of six weeks from today by passing a speaking order. The fate of the Representation be conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law.

Copy of this order be given *dasti* to both the sides.

(SUNIL GAUR)
JUDGE

JANUARY 08, 2016

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