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

+ W.P.(C) 1041/2017

ROSHNI DEVI

..... Petitioner

Through: Mr. Sanjay Singh, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Yeeshu Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.02.2017

The present petition has been filed by the petitioner with the following prayers:

- “i. Writ (s), Order (s) or direction (s) in appropriate nature quashing the letter No. F.32 (11)/68/8/L&B/ALT 7316 dated 22.07.2014 issued by the respondent, whereby the respondent has rejected the case of the petitioner for the reason that the affidavit was furnished by the petitioner after expiry of time period as per the judgment of this Hon'ble Court in W.P.(C) 2230/2014, even though the same had been submitted within the stipulated time period;*
- ii. Writ (s), order (s), directions in the nature of mandamus directing the respondent to reconsider the case of the petitioner in light of the fact that the petitioner had filed the affidavit within the stipulated time period;*
- iii. Issue any or further appropriate writ, order or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in*

favour of the petitioner and against the respondent.”

The learned counsel for the petitioner has drawn my attention to the order dated April 4, 2014 passed by this Court to contend that this Court had granted three weeks time to the petitioner to file affidavit with the respondent incorporating certain factual aspects. Learned counsel for the petitioner states that the petitioner did file an affidavit within three weeks. He also draws my attention to Page 24 of the writ petition which reveals the receipt of the letter along with affidavit as Annexure “B” with receipt no. 557 dated 22.4.2014. He states, unfortunately, the respondent, holding that the affidavit has not been filed within three weeks, has rejected the case. I note that the impugned communication dated July 22, 2014 reads as under:

“Sub:- Filing of affidavit as per the directions of Hon’ble High Court Delhi in Case No. W.P.(C) 2230/2014, titled as Smt. Roshni Devi V/s. Govt. of NCT of Delhi vide order dated 04.04.2014.

With reference to your letter No. nil dated 22/04/2014 on the subject cited above. In this regard, it is stated that your letter / representation has been considered by the Competent Authority and the case may be rejected due to the period of three weeks has already expired for filling the requisite affidavit by 25/4/2014 as clearly spelled in the order of the Hon’ble Delhi High Court dated 04/04/2014 in W.P.(C) 2230/2014.”

There is no dispute, even Mr. Yeeshu Jain, Adv. for the respondent concedes that as the authorities in the impugned order gave a reference to the letter of the petitioner dated 22nd April, 2014, which was accompanied by an affidavit, it is apparent that the petitioner has filed the affidavit within three weeks in terms of the directions of this Court in the earlier writ petition

being W.P.(C) 2230/2014 dated April 04, 2014. There is also no dispute that the period of three weeks had expired on 25th April, 2014. Suffice to state, the case could not have been rejected.

In view of above, the impugned communication dated July 22, 2014 is set aside. The respondent shall consider the affidavit filed by the petitioner vide letter dated 22nd April, 2014 in terms of the order/directions of the Court dated April 4, 2014 and take further action in terms of the said order/directions given by this Court in the W.P. (C) no. 2230/2014, dated April 4, 2014.

The petition is disposed of.

V. KAMESWAR RAO, J

FEBRUARY 06, 2017/jg