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

+ **W.P.(C) 2669/2017**

RAVINDRA SINGH CHAHAR

..... Petitioner

Through Mr. V.K. Sharma, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Rakesh Kumar, CGSC.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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29.03.2017

We have heard learned counsel for the petitioner-Ravindra Singh Chahar, who submits that even if the petitioner was not eligible for appointment in the reserved category, it was mandatory for the authorities to have initiated disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

2. We have considered the said argument, but do not find any merit in the same. The petitioner is a Jat candidate from the State of Uttar Pradesh. He had produced Other Backward Class (OBC) certificate issued by Tehsildar Kirawala, District Agra, U.P. and on the basis of the said certificate was given "provisional" appointment as Peon vide appointment letter dated 15th September, 2008. Paragraphs 3 and 5 of the appointment letter/order dated 15th September, 2008 had stipulated as under:-

“3. You will be on probation for a period of TWO years from the date of your joining duty. Your services are liable for termination without any notice and

without assigning any reasons during the period of probation. After completing the probationary period satisfactorily, you will continue to be in your appointment. Your services are also liable for termination by giving one month's notice. If you desire to resign from service, you will have to give one month's notice or one month's pay and allowances in lieu thereof.

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5. The appointment is provisional and subject to the verification of Caste/Age/School Leaving Certificate through proper channels and character and antecedents through Police Authority. If the verification reveals that the claim of the candidate belonging to the caste/age is false his services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of Indian Penal Code for production of false certificate.”

3. The authorities vide letter dated 18th January, 2009 had approached the District Magistrate, Agra to confirm the genuineness of the caste certificate of the petitioner. The District Magistrate, Agra by his letter dated 15th July, 2010 confirmed that the caste certificate was issued by them as the petitioner belongs to JAT community in the State of Uttar Pradesh. However, it was clarified that the said certificate was for the purpose of Uttar Pradesh Government service and was not valid for the Central Government service. Thereupon, the respondents had issued show cause notice dated 11th November, 2010 to the petitioner as to why his services should not be terminated as he was not entitled to appointment to the post reserved for OBC candidates.

4. The Central Government has framed the central OBC list. Jats from the State of Rajasthan, except Bharatpur and Dholpur districts, were included in the said list vide notification dated 27th October, 1999. JAT community/caste in the State of Uttar Pradesh and some other states were, for the first time, included in the Central List of OBCs vide notification dated 4th March, 2014. The said notification was challenged and has been struck down by the Supreme Court in *Ram Singh and Others versus Union of India*, (2015) 4 SCC 697.

5. In the present case, the appointment of the petitioner as Peon by appointment letter dated 15th September, 2008 for a vacancy which was reserved for OBC, would be illegal and contrary to law. The appointment was prior to the notification dated 4th March, 2014, which has been struck down. Therefore, in the present factual matrix that is undisputed, there was no need for the respondent authorities to hold a departmental enquiry. The termination was in terms of the appointment letter as the authorities were to verify the caste certificate and entitlement. On verification, it was found that the petitioner was not covered under the OBC list for Central services and, therefore, could not have been appointed against the post reserved for OBCs.

6. The writ petition has no merit and is dismissed. No costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

**MARCH 29, 2017
VKR**