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

+ LPA 374/2017

NUSRAT ZAFAR

..... Appellant

Through: Mr. Javed Ahmad & Mr. Anis  
Ahmad, Advocates.

versus

JAMIA MILLIA ISLAMIA & ORS

..... Respondents

Through: Mr. Apurb Lal, Advocate for  
respondents/ JMI.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

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**17.05.2017**

**C.M. No. 18684/2017**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**LPA 374/2017**

The appellant has preferred the present Letters Patent Appeal to assail the judgment dated 07.03.2017 passed by the learned Single Judge in W.P. (C.) No. 6514/2002. The learned Single Judge has dismissed the said writ petition preferred by the appellant on the ground of laches.

The writ petition had been preferred by the appellant to assail the

cancellation of the selection process for the post of Production Manager. The cancellation took place by the impugned order dated 16.11.1991. The writ petition was filed by the appellant on 08.10.2002. Thus, there was a delay of ten and a half years in filing the writ petition. The learned Single Judge after taking note of the decision of the Supreme Court in ***State of Orissa Vs. Mamata Mohanty***, (2011) 3 SCC 436, and an earlier decision of this Court in ***Ms. Preeti Sharma Vs. Ganga International School & Others***, W.P. (C.) No. 7792/2015 decided on 19.01.2017, rejected the writ petition on the ground of laches.

The submission of learned counsel for the appellant is that the decision contained in the impugned order was not confirmed by the Board of Management for 14 years and it was only during pendency of the writ petition that the same was considered. He, therefore, submits that there was no delay in filing the writ petition. He further submits that the impugned decision was not communicated to the appellant earlier when it was passed.

We cannot accept either of the aforesaid submissions. It is clear that the impugned order dated 16.11.1991 was put into effect immediately upon its being issued. No appointment letter was issued to the appellant appointing him as Production Manager. Though the appellant states that he has joined the post of Production Manager, he has not produced any joining report. Admittedly, he had not received any salary for the post of Production Manager. The stand taken by the appellant that he had joined the said post clearly appears to be incorrect and he appears to be taking advantage of the fact that he was a departmental candidate and was serving in other capacity. The writ petition was, therefore, clearly barred by delay and laches and the same has rightly been dismissed by the learned Single

Judge.

We see no reason to interfere with the impugned order.

Dismissed.

**VIPIN SANGHI, J**

**DEEPA SHARMA, J**

**MAY 17, 2017**

*B.S. Rohella*