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

+ LPA 318/2017 & CM No.16163/2017

% Date of decision : 28th April, 2017

PRACHI JAIN Appellant
Through: Ms. Neha Kapoor, Adv.
versus

DELHI CANTONMENT BOARD & ORS..... Respondent
Through: Mr. Anchit Sharma and Mr.
Tarveen Singh Nanda, Advs.
for R-1
Mr. Arun Bhardwaj, Adv.
for R-2

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE ANU MALHOTRA
JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The appeal has been filed assailing the order dated 30th March, 2017 whereby the W.P.(C) No.1084/2014 was rejected. The petitioner challenged the rejection of her candidature for appointment to the post of physiotherapist on contractual basis for one year which was initiated by the respondent no.1 pursuant to an advertisement dated 3rd July,

2011. In the writ petition, the following prayers were made :

“(a) Issue a writ of certiorari quashing/setting aside the contractual appointment of physiotherapist made by the respondent no. 1 in pursuance to advertisement dated 3.7.2011;

(b) Issue a writ of certiorari quashing/setting aside the resolution no. 19 for extension of contract in the meeting held on 10.12.2012;

(c) Issue a writ of mandamus directing the respondent no. 1 not to make permanent appointment for physiotherapist during the pendency of the instant petition and direct the respondent no. 1 to hold fresh appointments for the post of physiotherapist in a just and fair manner and not to further extend the period of contract of the selected candidates and not to make them permanent during the pendency of the instant petition. The petitioner should be given an appointment in the same candidature as of respondent nos. 3 and 4 because as per admitted fact total number of posts of physiotherapist i.e. 05 as declared were not filled and vacancy is still there;

xxx”

2. The writ petition was filed only in the year 2014. It came up for consideration on 30th March, 2017 and was rejected by the learned Single Judge which has been impugned herein.

3. The order dated 30th March, 2017 has noted that the period of the contract in terms of the advertisement would have come to an end on 19th July, 2012. So far as the selected candidates whose appointment was challenged by the petitioner is concerned, it was noted that they were given appointment for one year from January-February, 2012 which came to an end on expiry of one year in January-February, 2013. The period of extension of their services also expired in 2014.

4. It appears that the appellant was earlier compelled to approach the court in as much as her application for grant of information under the Right to Information Act was not being acceded to by the respondent. However, the information received thereunder cannot create any right in the petitioner or entitlement so far as the writ prayers were concerned. The above findings of the learned Single Judge in the writ petition are unassailable and cannot be challenged on any legally tenable grounds.

5. We, therefore, find no merit in this appeal and application which are hereby dismissed.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

APRIL 28, 2017/kr