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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4423/2017

RAJIV KUMAR

..... Petitioner

Through: Ms. Garima Prashad, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC with
Ms. Vanya Khanna, Adv. for R1.
Mr. Apoorv Kurup and Mr. A.C.
Boxipatro, Adv. for respondent /
UGC.
Mr. Anurag Mathur, Adv. for R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2017

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

“ It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) *to issue a Writ of mandamus or any other appropriate Writ or order, directing the Respondent nos. 1 and 2 to expeditiously decide the representations of the petitioner within a time frame fixed by the Hon'ble Court; thereby direct the Respondent nos. 1 and 2 to prepare a correct and proper Roster as per Rules, UGC Guidelines and SC/ST policies with respect to appointment of Lecturers of Chemistry Department at the Shivaji College; and upon finding illegalities in the*

same, to conduct inquiry into the illegal appointments made a take strict action be taken against the guilty who are involved in such corrupt practices; to take corrective action and cancel the illegal appointments of such Lecturers; and

- (i) to issue a Writ of mandamus or any other appropriate Writ, directing the Respondent nos. 3, 4, 5, 6, 7 and 8 to cooperate with Respondent no.1 and 2 in the above process, thereby produce entire records, provide the complete documents, relevant files and data to Respondent nos. 1 and 2; and*
- (ii) pass such other and further orders and / or directions in favour of the petitioner and against the respondents as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case."*

It is noted from the petition that the petitioner was appointed as a Lecturer in the Chemistry Department of the respondent no.3 / College on 25th September, 2008 in General Category. His services were terminated on the ground that the post was not duly advertised. The termination was a subject matter of a writ petition before this Court being W.P.(C) 743/2009 which was decided on 21st March, 2013, whereby the order dated 28th January, 2009 which was an order of termination was quashed. Respondent no.3 and the University of Delhi, parties in the said writ petition filed Intra-Court Appeals. The Division Bench of this Court set aside the order dated 21st March, 2013 vide order dated 23rd September, 2013. The effect of the said order is that the petitioner's appointment was cancelled. The petitioner herein filed Appeal before the Supreme Court. The Supreme Court directed the respondent no.3 to file an affidavit. The affidavit was filed wherein it

was stated that the total sanctioned posts of Teachers in the Department of Chemistry in respondent no.3 is 13. The affidavit also depicted the name of the teachers who were holding the posts in the Chemistry Department except one post against which it was represented that the same has fallen vacant on account of superannuation of Dr. R.N. Virmani on 31st May, 2013. It is the contention of the learned counsel for the petitioner that the petitioner has made a representation after the dismissal of the SLP by the Supreme Court, as the petitioner has come to know that the respondent nos. 5 to 8 were illegally appointed and the Roster had been deliberately manipulated to facilitate the illegal appointments. She states the petitioner made several representations for the preparation of the correct and proper roster in the Chemistry Department as per Rules and guidelines, which representations have not been considered and replied to. She states that the limited relief prayed for in the writ petition, is for a direction to decide the representations made by the petitioner.

I am afraid such a relief cannot be granted at the behest of the petitioner, who is concedingly not working in the respondent no.3 College. In other words, the petitioner has no locus to seek such a relief, as he has no concern with the appointments made in the department.

The present petition is dismissed.

V. KAMESWAR RAO, J

MAY 22, 2017/jg