

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

*Date of Order: December 06, 2017*

- (15) + W.P.(C) 7202/2017  
(16) + W.P.(C) 7213/2017  
(17) + W.P.(C) 7220/2017  
(18) + W.P.(C) 7536/2017 & CM APPL. 31094/2017

HITENDER  
AJAY KUMAR  
VIKRANT

NISHANT & ORS

.....Petitioners

Through: Mr. Rahul Sinha and Mr. Nitin K.  
Gupta, Advocates  
Mr. Nishant Shokeen, Advocate (W.P.(C)  
7536/2017)

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Arun Bhardwaj, CGSC for  
respondent-UIO  
Mr. Manoj, Standing Counsel and Ms. Aparna  
Singh, Advocate for respondent-FCI  
Mr. Ruchir Mishra, Mr. Mukesh Kumar Tiwari  
and Mr. Abhishek Rana, Advocate with Mr.  
S.C. Kashyap, Under Secretary for respondent-  
SSC (in W.P.(C) 7536/2017)

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

1. With the consent of learned counsel for the parties, the above-captioned four petitions are taken up together for hearing and are being disposed of by this common order.

2. In above-captioned four petitions, the challenge is to impugned Show-cause Notices (*Annexure P-1*) [*Annexure P-1 colly. in W.P.(C) 7536/2017*], which have been issued to petitioners on account of their adopting unfair means in Food Corporation of India Examination, 2012 i.e. combined recruitment for Assistant Grade-III, in General, Depot, Technical and Accounts Cadres and Hindi Posts (AG-II).

3. Learned counsel for petitioners submits that impugned Show-cause Notices have been duly replied and respondent-*Staff Selection Commission* is required to withdraw these Show-cause Notices in view of this Court's Division Bench decision in *Staff Selection Commissioner & Anr. v. Sudesh* 2014 SCC OnLine Del 7534, which has been affirmed by Supreme Court in its decision of 19<sup>th</sup> July, 2017 in *Civil Appeal No(s). 2836-2838/2017* titled *Staff Selection Commission, Thr. its Chairman & Anr. v. Sudesh*.

4. In the facts and circumstances of this case, these petitions are disposed of with direction to respondent-*Staff Selection Commission* to withdraw impugned Show-cause Notices in light of this Court's Division

Bench decision in *Sudesh (supra)*, which has been affirmed by Supreme Court in its decision of 19<sup>th</sup> July, 2017, and in case they choose not to do so and decide to proceed further in accordance with law, if such an occasion arises, then the reasons for adopting such a course be indicated in the decision so taken, within six weeks and its outcome be intimated to petitioners within two weeks thereafter, so that petitioners may avail of remedies as available in law, if need be.

5. With aforesaid directions, these petitions and the application are disposed of.

6. Copy of this order be given *dasti* to both the sides to ensure its compliance.

**DECEMBER 06, 2017**

s

**(SUNIL GAUR)  
JUDGE**

भारतमेव जयते