

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

Date of Decision: December 08, 2017

+ W.P.(C) 10912/2017 & C.M. 44667-68/2017

SUKANTA ROY CHAUDHARY Petitioner
Through: Mr. Ashish Kumar, Advocate

Versus

AGRICULTURE INSURANCE CO. OF INDIA LTD. AND ORS.
..... Respondents

Through: Mr. Arun Kumar Sinha, Advocates
for respondent No.1 & 3
Mr. Vikram Jetley, Advocate for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Petitioner's email of 10th October, 2017 (*Annexure P-4*) has been responded to by the first respondent vide impugned e-mail of 26th October, 2017 (*Annexure P-6*). Petitioner claims to be working with first respondent as Manager, Actuary since 15th March, 2015 and in November, 2015, he was removed from the Actuary Department and was given responsibility of Enterprise Risk Management (ERM) & Compliance Department.

2. Third respondent, vide advertisement of 10th June, 2017 had invited applications for appointment on the post of "*Appointed Actuary*" and petitioner, who is an inhouse candidate, had applied for it but was not

called for the interview held on 22nd September, 2017. Vide e-mail of 10th October, 2017 (*Annexure P-4*), petitioner had sought reasons from first respondent as to why petitioner's candidature to the post of "*Appointed Actuary*" has not been considered and vide impugned reply of 26th October, 2017 (*Annexure P-6*), petitioner has been informed that he was called for a personal meeting on 16th October, 2017 and he had misbehaved with the Deputy Manager and Chief Manager of first respondent when he was told that he was not considered because as per the criteria laid down, he did not possess the requisite qualifications, as prescribed by the Insurance Regulatory and Development Authority of India (Appointed Actuary Regulations, 2017).

3. In this petition, petitioner asserts that he is most suitable for being appointed on the post of "*Appointed Actuary*" being an inhouse candidate because he is from General Insurance background.

4. Upon hearing and on perusal of impugned communication of 26th October, 2017 (*Annexure P-6*), I find that without going into the aspect of petitioner's misbehavior, it would be appropriate if respondents spell out as to how petitioner is ineligible for being considered on the post of "*Appointed Actuary*" and which regulation prescribes the essential qualification for the post in question.

5. At this stage, learned counsel for petitioner submits that he will file a precise Representation to first respondent within a week and if it is so done, then the first respondent shall spell out in detail as to how petitioner is not qualified or is ineligible for being considered for the post of "*Appointed Actuary*". The fate of petitioner's Representation be made

known to petitioner within four weeks thereafter, so that he may avail of the remedies, as available in law, if need be.

6. Since counsel for first respondent informs that selection process to the post of “*Appointed Actuary*” has been scrapped, as no suitable candidate was available, therefore, no interim orders are called for.

7. With aforesaid observations, this petition and applications are disposed of.

**SUNIL GAUR
(JUDGE)**

DECEMBER 08, 2017

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