

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

+ **W.P.(C) 11921/2015**

Date of decision: 4th August, 2017

EX SI/FSN PINKI Petitioner
Through: Mr.N.L.Bareja, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr.Saroj Bridyawat, Advocate and
Mr.Vivek Kumar Sigh, Law
Officer/CRPF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (Oral)

The petitioner Ms.Pinki challenges office order dated 18.09.2015 by which her services as Sub-Inspector (Staff Nurse) were terminated on the ground that she was not eligible to be considered in the Other Backward Classes (OBC) category, in view of the judgment of the Supreme Court in Ram Singh vs. UOI, (2015) 4 SCC 697.

2. The petitioner belongs to the Jat Community and was residing and domiciled at State of Uttar Pradesh.

3. The petitioner had secured the said appointment in terms of

certificate issued by State of Uttar Pradesh dated 12.07.2014. This certificate records the petitioner belongs to Jat community, which has been recognized as a backward class by the Government of India, Ministry of Welfare vide resolution No. 12011/68/93-BCC(C) dated 10.09.1993 as published in the Gazette of India Extraordinary Part-I Section-1 dated 13.09.1993.

4. On the last date of hearing, we had asked the counsel for the petitioner to verify whether Jat community in the State of Uttar Pradesh has been included and recognized as backward class in the notification dated 13.09.1993. Learned counsel for the petitioner very fairly states that Jat community in the State of Uttar Pradesh has not been included and recognized as a backward class in the said notification.

5. The petitioner would not be entitled to the benefit of the subsequent notification dated 04.03.2014 in view of the judgment of the Supreme Court in case of **Ram Singh** (supra) which had struck down the aforesaid notification.

6. The petitioner has also contended that she was not been paid salary for the period she had worked. However, it is now accepted

that the salary was paid after legal notice was issued and before the present writ petition was filed.

7. We are not inclined to remit the matter to the respondents for fresh consideration by issue of show cause notice etc., as this is not required once the petitioner has accepted that she belongs to Jat community, which is not recognized as backward class in the notification issued on 13.09.1993.

8. In view of the aforesaid, we do not find any merit in the present writ petition and the same is dismissed. No costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

AUGUST 04, 2017/*mr*