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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12293/2015 & CM No. 32568-69/2015

Date of Decision : 17th February, 2017

PARVEEN KUMAR

..... Petitioner

Through Ms. Sriparna Chatterjee, Advocate

versus

STAFF SELECTION COMMISSION

..... Respondent

Through Mr. Akshay Makhija, CGSC and Mr.
Sumant Bhushan, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL):

The petitioner- Parveen Kumar by this writ petition impugns the order dated 29.10.2015 whereby OA No. 655/2015 filed by him has been dismissed by the Principal Bench of the Central Administrative Tribunal ("Tribunal" for short).

2. The petitioner as a Scheduled Tribe candidate had appeared in the Combined Higher Secondary Level (10+2) examination in the year 2013 for recruitment to the post of Data Entry Operator (DEO) and Lower Division Clerk (LDC). The advertisement required each candidate to exercise their order of preference of Service/Organisation (which also included various Ministries) to which they had sought appointment. The petitioner's sixth option, as per the form, was the Ministry of Road Transport and Highways.

3. The petitioner had secured 114.5 marks in the examination

which, did not qualify him for his first, second, third and fifth options. No post of LDC was available for his fourth preference, i.e., Department of Food and Distribution.

4. The petitioner was accordingly provisionally selected for his 6th preference, i.e., Ministry of Road Transport & Highways.

5. The petitioner is aggrieved that his dossier along with dossiers of 73 other qualified candidates was forwarded to the Border Roads Organisation, Ministry of Road Transport & Highways, Seema Sadak Bhawan, Delhi 110010 for appointment as LDCs. The petitioner contends that the Border Roads Organisation to which he has been nominated, consists of the Border Roads Development Board and the General Reserve Engineering Force (GREF), which is administratively a part of Ministry of Defence and not a part of Ministry of Road Transport and Highways. It is accordingly submitted that the petitioner's dossier was wrongly forwarded to the Border Roads Organisation.

6. The Tribunal has elaborately examined and rejected the said contention.

7. To ascertain and re-examine the contention we had issued notice to the respondent/Staff Selection Commission to clarify how and why they had accepted the requisition for the post of LDC in the GREF and treated it as a vacancy under the Ministry of Road Transport & Highways. The Boarder Road Organisation and the Ministry of Road Transport & Highways were impleaded as a party.

8. Border Roads Organization has filed their affidavit stating recruitment to the posts of LDC in the said organisation were at the

relevant time under the Ministry of Road Transport & Highways. In fact prior to 13.03.2015 requisitions for selection and appointments in the Boarder Roads Organization were forwarded by the Ministry of Road Transport and Highways to the Staff Selection Commission. However, from 13.03.2015 recruitment for the said posts in the Border Roads Organization is being made by the Ministry of Defence.

9. In view of the aforesaid, we do not think that the petitioner can raise the grievance or challenge that the Ministry of Road Transport and Highways should have recruited for the post of LDC in the Border Roads Organization. This was an internal matter of the Government and relates to administrative set up. The petitioner, we would observe cannot question and seek negation of the said administrative decision.

10. Learned counsel for the petitioner relied upon the decision of the Supreme Court in R.Viswan vs. Union of India & Ors., **AIR 1983 SC 658**. The issue involved therein was entirely different. The Supreme Court observed members of the GREF were governed by both the Central Civil Services (Classification Control and Appeal) Rules, 1965 and the Army Act, 1956.

11. In view of the aforesaid, the writ petition has no merit and is accordingly dismissed. There would be no order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 17, 2017/b