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

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Date of Order : March 23, 2018

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W.P.(C) 2900/2018 & CM No.11733/2018

DHEERAJ

..... Petitioner

Through: Ms.Sunita Arora and Mr.Krishan Kumar,
Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Manish Mohan, CGSC with Ms.Manisha
Saroha and Mr.Shubham Pundhir,
Advocates for R-1
Mr.K.K.Tyagi and Mr.Anoop Kumar,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. For the post of Junior Technical Assistant, petitioner was provisionally empanelled in the waitlist under the SC category at serial No.2. According to petitioner's counsel, the final result was displayed on the second respondent's website on 18th April, 2017 and it is the case of petitioner that thereafter petitioner has not received any e-mail regarding his appointment on the post of Junior Technical Assistant. Learned counsel for petitioner submits that the cancellation of offer of appointment on the post of Junior Technical Assistant was conveyed to petitioner on 20th September,

2017 vide e-mail (*Annexure P-5*) and against it, petitioner had made representation (*Annexure P-6*) on 30th September, 2017 which was followed by reminder (*Annexure P-7*) on 8th October, 2017 and ultimately another representation (*Annexure P-8*) was sent to the Prime Minister on 11th October, 2017 which has been dealt with by second respondent vide impugned Communication of 24th October, 2017 (*Annexure P-10*).

2. As per the impugned Communication (*Annexure P-10*), petitioner's appointment letter was sent by e-mail to him on 29th June, 2017 and again on 4th September, 2017, another e-mail was sent to petitioner giving last opportunity to him to join by 11th September, 2017 and the said information was also displayed on the official website of respondents. Learned counsel for second respondent submits that since petitioner had not come forward to accept the offer of appointment, therefore, offer of appointment made to petitioner stood cancelled on 20th September, 2017.

3. Upon hearing an on perusal of impugned Communication of 24th October, 2017, I do find that second respondent categorically asserts that petitioner's appointment letter was sent by e-mail on 29th June, 2017 but when a representation is made asserting to the contrary, then it is incumbent upon second respondent to append a certificate under Section 65 B of the Evidence Act in support of its stand on petitioner's appointment letter being sent via e-mail on 29th June, 2017. Since it has not been done, therefore, second respondent is called upon to reconsider the impugned Communication of 24th October, 2017 and to communicate to petitioner alongwith the requisite certificate, documents etc. within a period of four weeks. The second respondent is also required to communicate to petitioner

whether the post against which petitioner was selected has been filled up or not. It is made clear if the post in question has not been yet filled up, then petitioner's appointment against the said post be sympathetically considered and if it is not so done, then the reasons be supplied by second respondent to petitioner within the aforesaid stipulated time.

4. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to counsel for second respondent to ensure compliance of this order within the stipulated time.

(SUNIL GAUR)
JUDGE

MARCH 23, 2018
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