

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

Date of Order: April 20, 2018

+ **W.P.(C) 3896/2018 & CM 15384/18**

SH. DHARMENDRA KUMAR Petitioner

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. Gaurav Sharma and Mr.
Dhananjay Kumar Jha, Advocates

versus

STATE OF NCT OF DELHI Respondent

Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh and Ms. Palak
Rohmetra, Advocates for respondents No.1 to 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Learned senior counsel for petitioner candidly states that this petition is essentially against order of 3rd May, 2012 vide which petitioner's OBC certificate stood arbitrarily cancelled. It is submitted that no show-cause notice was received prior to the cancellation of the OBC certificate. It is the case of petitioner that the impugned cancellation of OBC certificate was not acted upon by petitioner's employer and so, impugned cancellation was not challenged. It is pointed out that the occasion to challenge impugned cancellation of OBC certificate arose when petitioner's service stood terminated vide order of 25th November, 2017 on the ground that petitioner's OBC certificate stood cancelled on 2nd April, 2014. Infact, the cancellation of OBC certificate is by order of 3rd May, 2012.

2. In light of aforesaid, it is deemed appropriate to permit petitioner to challenge impugned order of 3rd May, 2012 vide which petitioner's OBC certificate was cancelled. It is true that petitioner had challenged the cancellation of his OBC certificate vide O.A. No.1707/2014 before the Central Administrative Tribunal, New Delhi, but the said O.A. was dismissed for want of jurisdiction while clarifying that petitioner is not precluded from challenging cancellation of his OBC certificate before the Forum having jurisdiction. Pertinently, order of 22nd December, 2017 (*Annexure P-25*) records that the liberty granted to petitioner to challenge cancellation of his OBC certificate was qualified with the rider of petitioner's employer taking any consequential action on basis of cancellation of petitioner's OBC certificate. Therefore, delay or laches will not stand in the way of petitioner to assail the order of 3rd May, 2012.

3. Learned senior counsel for petitioner seeks permission to withdraw this petition with liberty to challenge the order of 3rd May, 2012. Let it be so done within a period of four weeks from today.

4. With aforesaid liberty, this petition and the application are dismissed as withdrawn.

(SUNIL GAUR)
JUDGE

APRIL 20, 2018

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