

\$~8

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

+ W.P.(C) 5299/2018 & CM No.20551/2018

DHARMENDRA KUMAR Petitioner

Through: Mr.O.P.Agarwal, Advocate.

versus

CENTRAL INFORMATION

COMMISSION AND ORS.

..... Respondents

Through: Ms.Shiva Lakshmi, CGSC with
Mr.Brajesh Kumar, Advocate for R-2
to R-4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

18.05.2018

1. Writ Petition (Civil) No.3793/2018 filed by the petitioner seeking direction to the respondent/SSB to consider him for appointment to the post of Head Constable (Ministerial) has been dismissed by this Court as recently as on 18.04.2018, on the ground of gross delay and laches for the following reasons:-

“3. We have specifically enquired from learned counsel for the petitioner that in circumstances where the examination in question for which an advertisement was issued in November, 2013, was conducted in the year 2014 and the entire process was over in November, 2015, what steps did the petitioner take immediately thereafter to seek legal recourse.

4. Learned counsel for the petitioner submits that apart from gathering information through applications filed under the RTI Act and “running from pillar to post while approaching every appellate authority permissible under the law”, the petitioner did not seek any legal recourse.”

2. The petitioner has followed a strange route by yet again invoking the writ jurisdiction of this Court on the same cause of action *inter alia* on the ground that the period spent by him in seeking necessary information through the RTI route, should have been excluded by the Court while considering the delay in filing the earlier petition.

3. Suffice it to note here that the petitioner was declared unsuccessful as in the Computer Typing Test held on 16.01.2015, he scored 34.52 marks against the cut off marks of 35 marks. The petitioner had applied for photocopy of the typing test through the RTI route. The request of the petitioner was rejected which was duly communicated to him in the year 2015 itself informing him about the exemption that is granted to the SSB under Section 24 of RTI Act, 2005, except in the cases of violation of human rights or corruption.

4. The petitioner failed to seek legal recourse till filing of WP(C) No.3793/2018, which was dismissed by this Court observing that the grievance related to the appointments made in the year 2015 and no satisfactory explanation has been offered for the inordinate delay in approaching the Court.

5. The petitioner cannot be permitted to re-agitate the same issue by filing another writ petition based on the same cause of action. The writ petition is accordingly dismissed, alongwith pending application, as not being maintainable.

HIMA KOHLI, J.

PRATIBHA RANI, J.

MAY 18, 2018

'hkaur'

W.P.(C) 5299/2018

Page 2 of 2