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

+ W.P.(C) 5170/2018 & CM No.20081/2018

PANKAJ BHANWARIYA

..... Petitioner

Through: Ms.Sweta Rani & Mr.Anant Agarwal,
Advocates

versus

STAFF SELECTION COMMISSION & ORS

..... Respondents

Through: Dr.Ashwani Bhardwaj, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.05.2018

1. Learned counsel for the petitioner states at the outset, that the facts of the present case are identical to those that were raised in a batch of petitions, lead matter being W.P.(C) No.3550/2018 entitled '*Pawan Kumar Vs. Staff Selection Commission*', which were disposed of at the stage of admission itself, vide order dated 12.04.2018.
2. On 12.04.2018, the following order was passed in the captioned petitions:-

"1. The petitioners are aggrieved by the orders dated 06.01.2018, passed in each case by the Senior Commandant, Dossier Scrutiny Board, CISF, whereunder they have been informed that on examining the relevant records, it was found that they have indulged in unfair activities, which fact has been confirmed by the Forensic Report issued by the CFSL, Shimla and therefore, their candidatures to the post of Constable (GD) in CAPF, NIA, SSF and Assam Rifles in respect of the examination conducted in the year 2015, are liable to be cancelled by the respondent No.1/Staff Selection Commission (SSC).

2. Learned counsel for the petitioners states that before passing the aforesaid orders, the respondents did not solicit any response from the petitioners, by issuing them notices to show cause and affording them an opportunity of hearing.

3. Mr. Sanjeev Sabharwal, learned counsel for the respondent No.1/SSC submits on instructions that vide order dated 06.01.2018, passed by the CISF and impugned by the petitioners herein, the respondents have only intimated them that their candidatures are liable to be cancelled by the respondent No.1/SSC but the SSC has not taken any steps till now. He submits that SSC proposes to issue notices of show cause to the petitioners and solicit a response from them and only after receiving their replies, shall any orders be passed. Needful shall be done within four weeks.

4. While binding the respondent No.1 to the statement recorded hereinabove, the present petitions are disposed of alongwith the pending applications.”

3. Learned counsel for the petitioner states that the respondents have not taken any step till date by issuing a notice to show cause to the petitioners in the captioned petitions, soliciting a response from them and it is for this reason that the petitioner has been constrained to file the present petition, as he is also similarly placed.

4. Mr.Aswhani Bhardwaj, learned counsel for the respondents states that he does not have any clear instruction as to whether any notice to show cause has been issued to the petitioners in the captioned petitions. However, he states that if no steps have been taken so far, appropriate action shall be taken immediately not only in respect of the petitioners in the captioned petitions (lead matter being W.P.(C) No.3550/2018), but also in respect of the present petitioner and all other similarly placed candidates.

5. While binding down learned counsel for the respondents to the statement recorded herein above, respondent No.1/SSC are directed to issue appropriate notices to show cause to the petitioner herein and all other similarly placed parties proposing to cancel their candidature in respect of the examination conducted in the year 2015 for the post of Constable (GD) in CAPF, NIA, SSF and Assam Rifles and solicit a response from them.
6. After eliciting a response from them, the respondents shall pass a speaking order in each case under written intimation to the concerned candidates including the petitioner herein, within six weeks reckoned from today.
7. If the petitioner is aggrieved by the order that may be passed, then he shall be entitled to seek appropriate legal recourse, as may be advised.
8. The petition is disposed of along with the pending application.

HIMA KOHLI, J.

PRATIBHA RANI, J.

MAY 15, 2018

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