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

+ **W.P.(C) 5793/2018 & C.M. NO. 22552/2018**

BISHWAS KUMAR SRIVASTAV Petitioner
Through: Mr. S. Sunil, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Jagjit Singh and Mr. Preet Singh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **28.05.2018**

1. The petitioner has filed the present petition for issuing directions to the respondents to appoint him on the post of Inspector (Prosecution) against unfilled unreserved vacancy for the post of Female-Inspector (Prosecution), available in October-November, 2011, when the results were published by the respondents pursuant to an Employment Notification No. 1/2009, dated 14.11.2009.

2. At the outset, learned counsel for the respondents, who appears on advance notice, raises an objection with regard to the maintainability of the present petition on the ground the same is hopelessly barred by delay and *laches*. He states that admittedly, the advertisement in question was issued

by the respondents in November, 2009, for filing up the subject post and the final result was published by the respondents in October-November, 2011.

3. Learned counsel for the petitioner responds by stating that the petitioner had filed an RTI application with the respondents, in the end of the year 2012, for seeking details of the marks obtained by him for the subject examination, which was communicated to him only in the November, 2012.

4. Even if that is accepted, the petitioner has no explanation worth the name to offer for the delay reckoned from October-November, 2011, when the result was published till date for failing to seek legal recourse. Merely because a third party, namely Sh. Deen Dayal had filed a writ petition [WP(C) 7700/2015] in this Court, wherein he had sought appointment to the post of Inspector (Prosecution) under 'OBC' category, would not vest any fresh cause of action in favour of the petitioner, who had an independent claim and ought to have approached the Court with promptitude. Having failed to do so within a reasonable time, we are not inclined to entertain the present petition, which is dismissed as being hopelessly barred by limitation, along with the pending application.

HIMA KOHLI, J

PRATIBHA RANI, J

MAY 28, 2018

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