

\$~28

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

+ **W.P.(C) 6612/2018 & CM APPL. 25235-25236/2018**

SALIL SHAMSHERY

..... Petitioner

Through: Mr. Shanker Raju, Adv.

versus

PUBLIC ENTERPRISES SELECTION BOARD

& ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC with
Mr.Piyush Gaur, Mr.Shanker Raju and Mr.Nilansh
Gaur, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

%

15.06.2018

1. *Vide* an advertisement, issued by the Public Enterprises Selection Board (PESP), Department of Personnel and Training, applications, for the post of Director (Personnel), in the Satluj Jal Vikas Nigam (SJVN) were invited. The petitioner applied as, in his submission, he was eligible for the said post. The advertisement required the applicant to possess at least five years of cumulative experience, during the last ten years, in various aspects of age of HR /Personnel Management/industrial relations, in an organization of repute.

2. It appears that, on 13th January,2017, the PESB communicated, with the Chief Secretaries of all States/Union Territories, to appoint a Nodal Officer to verify and forward the application of the candidates to the PESB,

so that they could be processed and short-listed, prior to the meetings of the Selection Committee. The petitioner is aggrieved by the fact that, while forwarding his application, the said Nodal Officer entered the following remark:

“He does not fulfil the eligibility criteria regarding experience.

Moreover, he has never worked in HR Department.”

3. The submission of Mr. Shanker Raju, learned counsel for the petitioner, is that the Nodal Officer was not authorized to enter any such remark while forwarding his application to the PESB. He submits that his client has been constrained to approach this court as he apprehends that the said remark, made by the Nodal Officer, would influence the PESB while considering the application of the petitioner.

4. Both learned counsel, happily, adopted eminently reasonable stances, resulting in a quietus to the contrary.

5. Mr. Arun Bhardwaj, learned CGSC, submits, on instructions, that the PESB, while considering the application of the petitioner, would remain uninfluenced by the aforementioned remarks, entered by the Nodal Officer, on the body of the petitioner’s application, while forwarding the same. He assures that the PESB would assess the petitioner’s application on its own merits and in accordance with law.

6. Mr. Shanker Raju, learned counsel appearing for the petitioner, submits that this statement, if records, would satisfy his client, and that there would be no necessity to continuing to keep this writ petition pending before this court.

7. Accordingly, taking on record the statement of Mr. Arun Bhardwaj to the effect that the PESB would consider the application of the petitioner on the merits and as per law, uninfluenced by the remark entered by the Nodal Officer/CPSE, on the body thereof, to the effect that the petitioner did not possess the eligibility criteria and never worked with the HR Department, this writ petition is disposed of.

8. There shall be no orders as to costs.

Order be given *dasti* under the signatures of the Court Master.

**C.HARI SHANKAR
(VACATION JUDGE)**

JUNE 15, 2018/rk