

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

% *Date of Order : April 06, 2018*

+ **W.P.(C) 6603/2016**

BEERABAHADUR YADAV AND ORS Petitioners
Through: Mr.Rakesh Kumar Yadav, Advocate

versus

UNION OF INDIA AND ANR Respondents
Through: Ms.Anjana Gosain, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CM No.12629/2018

Delay of 29 days in filing the rejoinder is condoned for the reasons stated in the application.

The application is disposed of.

W.P.(C) No.6603/2016 & CM No.41371/2017

1. In pursuance to advertisement No.3/2015, petitioners had applied for the post of Junior Executive (Air Traffic Control) and had cleared the online examination and were called for the interview. The grievance of petitioners in this petition is that final result in respect of the aforesaid post advertised had not been declared. Quashing of first phase of interview conducted in respect of 1028 candidates is also sought. A mandamus is also sought to respondents to consider calling 2800 candidates for the interview. According to petitioners, as per the existing policy, 1100 candidates ought to have been issued joining letters whereas only 400 candidates have been

issued joining letters. As per advertisement No.3 of 2015 (*Annexure P-1*), 400 posts of Junior Executives (Air Traffic Control) were advertised. In the counter affidavit filed by respondent-Airport Authority of India, it is asserted that offer of appointment was made to 400 selected candidates as per the order of merit. According to second respondent, the select list was drawn purely on merits and after considering the performance of the candidates. As per the additional affidavit of second respondent, the marks obtained by petitioners and the cut off marks/percentage have been disclosed and cut off marks obtained by the selected candidates in the third selection list have been also disclosed. Petitioners by way of an application have sought to amend the writ petition to implead one of the Members of the Interview Board against whom, petitioners have levelled allegations of bias.

2. Upon hearing, it transpires that the final result of the examination in question was declared way back on 29th June, 2016 and this writ petition has been filed on 27th July, 2016. However, the selected candidates have not been impleaded as respondents in this writ petition. Learned counsel for petitioners submits that petitioners were not aware as to who are the selected candidates. No RTI information has been sought by petitioners to obtain the list of the selected candidates. Learned counsel for petitioners submits that once the details of the selected candidates are provided by second respondent to petitioners, they would like to assail the selection of those 400 candidates.

3. In the aforementioned facts of the instant case, it is deemed appropriate to direct second respondent to supply the list of the selected candidates and their addresses to petitioners within four weeks, so that petitioners may

effectively challenge the appointment of selected candidates after impleading them. Instead of permitting petitioners to amend the writ petition to allege bias against one of the Members of the Interview Board, it is deemed appropriate to dispose of this petition and the application with permission to petitioners to file a fresh writ after impleading the selected candidates.

4. This petition and the application are accordingly disposed of with liberty as aforesaid.

(SUNIL GAUR)
JUDGE

APRIL 06, 2018
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