

\$~9

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

+ W.P.(C) 7062/2016

MUKESH KUMAR AND ORS

..... Petitioners

Through: Mr.C.M.Verma & Mr.Ajit Kumar
Jain, Advocates

versus

STAFF SELECTION COMMISSION AND ANR Respondents

Through: Mr.Vivekanand Mishra & Mr.Vipul
Agrawal, Advocates with
Mr.Gopinath Nayak, Under Secretary,
SSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **14.05.2018**

1. The present petition has been filed by the three petitioners praying *inter alia* for issuing directions to the respondent No.1/Staff Selection Commission to recommend their names for appointment to the post of Constable (GD) in SSB, CRPF, BSF and CISF under the General/OBC category as may be applicable.

2. As per the facts of the present case, the respondent No.1 had issued an advertisement in February, 2011 inviting applications for recruitment to the post of Constable (GD) in CISF, CRPF, BSF and SSB. The petitioners had responded to the said advertisement by applying for the said post. After the petitioners had qualified the Physical Endurance Test and Physical Standard Test, they had appeared in the written examination. The result of the written examination was declared on 28.11.2011 and the cut off list was published and uploaded by the respondents on the internet on the same date. As per the

said result, petitioner No.1 had obtained 56 marks, petitioner No.2 had obtained 50 marks and petitioner No.3 had obtained 49 marks out of 100 marks, which were below the cut off marks.

3. Thereafter, the petitioners did not choose to seek legal recourse for almost five years till they filed the present petition on 09.08.2016. On being called upon to explain the inordinate delay in approaching the Court for relief, the explanation sought to be offered by learned counsel for the petitioners is that after the declaration of the result in November, 2011, from time to time the respondent No.1/SSC had published several lists of selected candidates who had approached various High Courts and after considering their cases on merits, they had been granted appropriate relief by the said Courts. This had continued till the year 2015.

4. We are of the opinion that the petitioners are typical piggyback riders who elected to sit back and remained fence sitters. They waited for other candidates to approach the court and once they got relief, the petitioners proceeded to file the present petition expecting to gain advantage from the favourable orders passed by Court in respect of other candidates, which is impermissible.

5. On the last date of hearing, learned counsel for the petitioners had referred to and relied on a common order dated 17.05.2017 passed by the learned Single Judge, Jaipur Bench of the Rajasthan High Court in SB(Civil) Writ Petition No.2867/2017, entitled '*Kashi Ram Vs. Union of India & Anr.*' wherein several directions were issued to the respondents on the assurance given by the learned Additional Solicitor General, UOI. On perusing the directions issued in the aforesaid matter which included, amongst the others, permission given to the petitioners therein to submit their representation

before the respondents giving details of the candidates who were less meritorious than them but had been appointed. Further, directions were issued to the respondents that the said representations would be considered and a fact finding enquiry shall be conducted to look into the allegations levelled against the officers who at that point of time, were posted in the Regional Directorate of Staff Selection Commission, Northern Region. The respondent No.1/Staff Selection Commission was also directed to pass a detailed speaking order after affording an opportunity of hearing to each of the petitioners therein.

6. Learned counsel for the respondents was directed to obtain instructions as to whether the directions issued in the captioned petition were duly complied with by the Department. Today learned counsel states on instructions that the said directions were duly complied with and all the representations submitted by the petitioners in the captioned petition were duly considered by the respondents and speaking orders were passed in each case, under written intimation to the concerned petitioner. Thereafter, none of the petitioners in SB (Civil) Writ Petition No.2867/2017 had challenged the orders passed before any court of law.

7. Merely because some of the candidates had approached the court for relief cannot enure to the benefit of the petitioners herein who did not take any step from November, 2011 till August, 2016 to seek legal recourse and that too in respect of a matter relating to appointment. Resultantly, the present petition is dismissed as hopelessly belated.

HIMA KOHLI, J.

MAY 14, 2018/‘pg’
W.P.(C) 7062/2016

PRATIBHA RANI, J.
Page 3 of 3