

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

Date of Decision: January 23, 2018

+ **W.P.(C) 5341/2017 & C.M. 22607/2017**

ABHISHEK VERMA Petitioner
Through: Ms. Ujala Vishnoi & Mr. Randeep
Singh, Advocates
Versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Dev. P. Bhardwaj, CGSC for
respondents No.1 & 2
Mr. Arunav Patnaik and Ms. Mahima Sinha,
Advocates for respondent No.3
Mr. A.K. Rasgopal, Advocate for respondent
No.4

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Petitioner had applied for the post of Public Relation Officer (PRO) on 25th February, 2017 while claiming to be a graduate with Masters in Business Administration in Marketing with specialization in Advertisement. Petitioner had appeared in the interview for the post of PRO on 5th June, 2017 and thereafter, the merit list was displayed on 8th June, 2017, in which name of petitioner was at serial No.2.
2. Learned counsel for contesting respondent has drawn the attention of this court to Annexure R-1 filed with counter affidavit to show that the

candidates short listed for the interview did not have the name of petitioner but lateron, petitioner was called for interview.

3. Petitioner's counsel submits that it had so happened because some documents were not submitted and lateron they were submitted.

4. It is relevant to note that name of respondent No.4 had figured at Serial No.1 in the Select List. It emerges from the counter affidavit filed by contesting respondent that there was a complaint by *Ms. Bhanu Priya* of which cognizance was taken and a vigilance inquiry was conducted, in which a few discrepancies, as spelt out in paragraph No.10 of the counter affidavit, were found. It also finds mention in the counter affidavit that none of the candidates, whose name appeared in the Select List, had the requisite qualifications. It stands noted in paragraph No.14 of counter affidavit filed by contesting respondent that right to cancel the entire recruitment process is discretionary, as according to respondent's counsel, no formal letters have been issued to any of the candidates and in view of various discrepancies noted in the selection process, the entire process is sought to be cancelled.

5. Learned counsel for petitioner submits that vigilance inquiry is a farce, which has been conducted only to help respondent No.4 and since petitioner is duly qualified, therefore, contesting respondent ought not be permitted to cancel the selection process and that respondent No.4 is not eligible and so, petitioner deserves to be appointed on the post of PRO. Petitioner's counsel further submits that petitioner's e-mail regarding eligibility of fourth respondent has not been responded to, but e-mail complaint of *Ms. Bhanu Priya* has been considered to the detriment of

petitioner and since, petitioner is duly qualified, therefore, the post of PRO ought to be offered to petitioner.

6. Learned counsel for contesting respondent submits that the entire selection process was riddled with discrepancies, therefore, the appropriate course is to adopt is to cancel the entire selection process and to initiate the process afresh. Learned counsel for contesting respondent maintains that petitioner does not hold Masters in Business Administration (MBA) degree and Specialization in Advertisement and Publicity. To submit so, attention of this Court is drawn to *Annexure- 9 colly*, where petitioner has mentioned that his MBA degree is in Marketing and Human Resource.

7. In rebuttal, learned counsel for petitioner draws the attention of this Court to Advertisement / Notification (*Annexure P-2*) to point out that the eligibility criteria was Graduate with MBA in Marketing with Specialization in Advertisement and Publicity. So, it is maintained that petitioner is eligible for the post of PRO in question and he deserves to be appointed.

8. Upon hearing and on perusal of the material on record, I find that petitioner's plea of being eligible and of fourth respondent being not eligible, need not be gone into because it is prerogative of contesting respondent to scrap the selection process, which has been validly done. It is so said as the discrepancies found in the selection process, finds mention in the counter affidavit filed by third respondent. Merely because warning was not issued to the members of the Selection Committee but was issued to the ancillary staff, would not justify any interference by this Court in exercise of jurisdiction under Article 226 of Constitution of

India. It is not the case of petitioner that he has become over age. Without commenting on the eligibility of petitioner or the fourth respondent, this petition is disposed of while upholding the decision of third respondent to scrap the selection process.

9. In the facts and circumstances of this case, it is deemed appropriate to call upon the contesting respondent to commence selection process for the post in question with expedition.

10. With aforesaid directions, this petition and application are disposed of.

**SUNIL GAUR
(JUDGE)**

JANUARY 23, 2018

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