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

+ W.P.(C) 11367/2018, C.M.44105/2018

SUSHIL KUMAR SAINI & ORS. Petitioners

Through: Mr.Sarthak Choudhary and Mr.Pawan
Kumar, Advocates

versus

STATE OF NCT OF DELHI AND ORS. Respondents

Through: Mr.Anil Soni, CGSC for UOI with
Ms.Priyanka Singh, Advocate.
Mr.Yeeshu Jain and Ms.Shilphi
Chaudhary, Advts. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.11.2018**

This is a petition under Article 226 of the Constitution of India filed by the petitioners. Counsels for the parties submit that in an identical matter being W.P.(C) 10156/2018 titled as *Naresh Kumar Sharma & others vs. State of NCT of Delhi and others*, the writ petition was disposed of with certain directions in view of the fact that the identical question already stands decided against the respondents by another bench of this Court, which has been upheld by the Supreme Court of India by a detailed judgment. The operative portion of judgment rendered in the case of *Naresh Kumar Sharma (surpa)*, reads as under:

“10. Ms. Mahajan further submits that there is no bar for the Home Guards, who had previously been served as Home Guards to make application under Bombay Home Guards Act, 1947 and the rules framed thereunder. She further submits that subject to meeting the eligibility criteria and all other conditions, petitioners can always be considered as and when fresh Home Guards are enrolled.

11. Having regard to the fact that the question raised in this writ petition admittedly stands settled by the decision of the Division Bench of this Court and upheld by the Supreme Court by a detailed judgment. The present writ petition cannot be entertained. However, if the petitioners choose to make an application for enrolment, we have no hesitation in saying that the respondents would consider the same in accordance with Bombay Home Guards rules and in accordance with law subject to fulfilling all other conditions.”

As prayed, this writ petition and C.M.44105/2018 are also disposed of in terms of the directions contained in para 11 of the judgment in the case of *Naresh Kumar Sharma* (*surpa*).

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 12, 2018

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