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

+ W.P.(C) 1515/2019

SANTOSA KUMAR PAL

..... Petitioner

Through: Mr. Avi Singh, Mr. Shashank and
Mr. Tanuj Bhadava, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Sanjib Bhattacharya, Under
Sec. Ministry of Coal for R-1 & R-2.
Mr. Krishnayan Sen and Mr. Uddyam
Mukherjee, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **21.02.2019**

CM APPL. 6995/2019

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

CM APPL. 6994/2019

Dismissed being infructuous.

W.P.(C) 1515/2019

Vide the present petition, the petitioner seeks direction thereby setting aside the letter dated 08.01.2019 and all subsequent acts/proceedings for selection and appointment to the post of Director (Technical/P&P), and MCL, pursuant to the Notification No. 7/37/2018-PESB conducted by respondent No. 2.

Consequently, the said respondent be directed to empanel the candidature of the petitioner along with other qualified candidates for consideration and possible recommendation.

The petitioner applied for the aforesaid post pursuant to the notification mentioned above.

Thereafter, on 09.01.2018, these persons were empanelled and name of the petitioner was not there. Thereafter, on 12.01.2019, the petitioner made a representation to the Directorate to the P&IR, Coal India Limited and copy sent to respondent No. 2 alongwith the Chairman of the Coal India Limited but there was no response from the respondents. Meanwhile, on 22.01.2019, respondent No. 2 held an interview and recommended one name for final selection. Being aggrieved, the petitioner has filed the present petition.

Initially, this petition was listed on 15.02.2019 and was adjourned to 20.02.2019, for taking instructions whether the petitioner is engineer in Mining. Thereafter, he filed degree certificate, marksheets as well as letter from the NIT, Rourkela, whereby it is established that the petitioner is graduate B.Sc. (Engineering) in the branch of Mining. Then, on 20.02.2019 though it is not recorded, however, learned Additional Solicitor General sought time to verify the degree of the petitioner and assist the Court on the next date of hearing.

Thus, as admitted by the counsel for respondent no.3, on instructions, that Bachelor of Science (Engineering) is equivalent to Bachelor Engineering(Mining). Accordingly, there is no other ground for non-empanelling the petitioner for the post in question.

Accordingly, the respondent No. 2 is directed to include the name of

the petitioner in the empanelment and thereafter conduct interview of the petitioner and prepare the recommendation accordingly. The exercise shall be carried out within two weeks.

The empanelment dated 09.01.2019 and subsequent proceedings thereto are hereby set aside and respondents are directed to prepare fresh panel and conduct the interview and make recommendation accordingly.

The writ petition is, accordingly, disposed of.

A copy of this order be given *dasti* under the signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 21, 2019

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