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

Date of Decision: 2nd December, 2019

+ W.P.(C) 6266/2019

ATEET BANSAL Petitioner

Through: Petitioner in person

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Gaurav Rohilla, Sr. Govt.

Counsel for R-1, 3, 4 & 5

Mr. Vipul Pankaj Sanghi, Adv. for R-2

Mr. Amit Bansal, Ms. Seema Dolo & Ms. Vipasha Mishra, Advs. for R-8 & R-9.

Ms. Survehi Suri, Adv. for R-10

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This so-called Public Interest Litigation has been preferred with the following prayers:

“(i) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No.1 Union of India to make present "National Career Service" portal proper, functional, comprehensive portal for advertisement to all central government, state governments and other instrumentalities of State recruitments. All Government jobs and vacancies should compulsorily be posted on this portal and the jobs must be advertised extensively.

(ii) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No.1 Union of India to issue advisory to various state and

union territories to develop similar portal for all State/UT vacancies

(iii) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondents to take necessary action against responsible and senior officers of Respondents who advertise jobs, take monumental fee but don't fill the posts for years together.

(iv) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No.1 to close all recruitments in timely manner

(v) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondents to provide basic facilities and to make arrangements of keeping the valuable of students at all examination centers

(vi) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondents file status report qua the number of posts advertised and filled in last one decade and fee collected for the same. To make arrangement of returning the fees with interest to all the applicants.

(vii) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondents to fulfil obligations casted under the Employment Exchange Act in true letter and spirit.

(ix) issue writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction to Respondent No.1 to exempt GST from application forms fee for entrance and recruitment and from the various courses and coaching's that helps in the development of employable skills.

(x) issue a writ, order Declaring the "Right to Access to equal opportunity to enter workforce" as a facet of Right to Life within the meaning of Article 21 of the Constitution.

(xi) Pass any other and further directions/orders as this court may deem fit in the facts and circumstance of the present case.”

2. We have heard the petitioner in person as well as counsel for the respondents. Respondent No.3 has filed a detailed counter affidavit wherein it has been stated that numerous Office Memorandums have been issued to all the Departments/Organisations to post the vacancies on the National Career Service Portal. Therefore, now DoPT has made it mandatory for all the Government Departments/Organisations for posting of vacancies on the National Career Service (NCS) Portal which is available on web address namely ncs.nic.in/job-seeker.

3. Thus, looking to the Office Memorandums dated 13.06.2016, 23.06.2016, 02.11.2016 and 23.12.2016 annexed with the counter affidavit filed by the respondent No.3 we see no reason to further monitor this writ petition for giving any direction to the respondents to post the vacancies on a national portal. Requisite directions have already been issued by the concerned respondent to all the Departments to upload the vacancies which are to be filled up, on a National Career Service Portal at the web address mentioned hereinabove. If there is any breach by any Department, the same can be looked into by the Union of India and necessary further directions will be given by the Union of India in the form of guidance to such type of erring Departments.

4. The petitioner, who appears in person submits that for conducting the exams for Grade III and IV posts, exorbitant fees are being charged by the respondents. The quantum of fees for application to the post of Grade III and IV posts is extremely relative, certain people would always argue it to

be exorbitant.

5. As and when an individual case raising the issue pertaining to exorbitant fee charged comes before the Court, the same can be decided as to whether the fees charged by the respondents for Grade III and IV posts from the applicants is exorbitant or not.

6. It is further submitted by the petitioner in person that even after collecting fee and conducting the exams, the Departments are not declaring the results of the examinations. We cannot give any general direction to the respondents, unless a specific case is brought to our knowledge by the aggrieved party. As and when such an aggrieved person approaches the Court, looking to the quantum of amount charged as fee; the nature of the post; the Department of the respondents and after giving an adequate opportunity of being heard to the concerned stakeholders, the decision can be taken. Otherwise, a general argument that the fees charged is exorbitant and the results are delayed, cannot be appreciated by this Court.

7. With the aforesaid observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 02, 2019

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