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

+ **W.P.(C) 11194/2018**

RAM BABU & ANR

..... Petitioners

Through

Mr. Jetendra Singh and Mr. Vijendra
Kumar Kaushik, Advocates

versus

UNION OF INDIA, MINISTRY OF DEFENCE & ORS

..... Respondents

Through

Mr. Manish Mohan, CGSC for UOI
with Ms. Manisha Saroha, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

27.09.2019

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1. Aggrieved by the cancellation of the selection process for the recruitment to various posts such as 'Safaiwala', Cook, 'Mali', 'Chowkidar' and Washerman, which took place pursuant to a recruitment notification issued in July, 2016 by the Commanding Officer, Military Hospital, Doda, the Petitioners have filed the present writ petition. The Petitioners 1 and 2 *inter-alia* seek a direction to the Respondents to appoint them forthwith to the respective posts to which they have applied i.e. 'Safaiwala' and 'Chowkidar'.

2. The Petitioners have challenged an order dated 18th November, 2017 by which the aforementioned recruitment process was cancelled.

3. At the outset, it requires to be noticed that in an identical petition by one Ravinder Sirohi who had applied for the post of 'Chowkidar' pursuant to same recruitment notification of July 2016, this Court by an order dated 14th February, 2019 in W.P.(C) No. 11507/2017 (***Ravinder Sirohi vs. Union of India***) allowed the petition setting aside the decision of the Respondents cancelling the candidature of the Petitioner and directed that he should be appointed as 'Chowkidar'.

4. As far as the present petition is concerned, on 2nd April 2019, the following order was passed:

“1. Notice. Learned CGSC for the Respondents accepts notice. Learned counsel for the Petitioner places reliance on the order dated 14th February, 2019 passed by this Court in W.P. (C) No.11507/2017 (***Ravinder Sirohi v. Union of India***). A copy thereof has been provided to counsel for the Respondents.

2. List before the Registrar for completion of pleadings on 17th May, 2019.

3. List before the Court on 27th September, 2019.”

5. In fact, the Respondents have not been able to dispute that the case of the present two Petitioners is squarely covered by the aforementioned decision of this Court.

6. In the counter affidavit, the Respondents do not dispute that both the Petitioners have qualified in the written test and that both Petitioners completed all the required formalities. The reasons given for quashing the recruitment process have already been discussed by this Court in the

aforementioned Judgment in ***Ravinder Sirohi*** (*supra*) and held to be untenable. The said three reasons put forth by the Respondents are as under:

"(a) Vacancy not fixed correctly as per reservation roster for Washerman and Chowkidar categories which has resulted in candidates getting misled with regard to eligibility and number of vacancies for each category.

(b) The guidelines for civilian Recruitment Group 'C' has not been followed as fair chance was not given to all candidates by asking for character certificate from police at the time of submission of application. This has resulted in rejection of a very large number of applications.

(c) Question paper is of high std. not commensurating with minimum academic qualifications."

7. This Court has in para 9 of the aforementioned order in Ravinder Sirohi's case (*supra*) rejected the plea by the following reasons:

"9. The Court has considered the above submissions. Indeed none of the three discrepancies noted in the internal communication dated 18th November 2017 appear to justify cancelling the Petitioner's candidature. None of those discrepancies actually apply to the Petitioner. He has in fact provided all certificates/documents as required and he is not one of the candidates who got misled with regard to the eligibility and number of vacancies since they were not fixed as per the reservation, roster for the Washerman and Chowkidar candidates. That the question paper was of high standard and not commensurate with minimum academic qualifications also does not come in the way of the Petitioner's candidature since he has in fact cleared all the papers and is at Serial No. 1 in the merit list. Further, even according to the Respondents the typing test was to be taken only by the candidates who applied for the posts of LDCs and Cooks. Therefore, this was not relevant for the post of 'chowkidar' for which the Petitioner applied."

8. For the reasons stated in the said order the Court sets aside the impugned order dated 18th November, 2017 cancelling the entire selection process and directs the Respondents to appoint Petitioners Nos.1 & 2 as 'Safaiwala' and 'Chowkidar' respectively. Appropriate orders to the said effect will be issued within a period of eight weeks from today.

9. The petition is allowed in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 27, 2019

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