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

+ W.P.(C) 3662/2020 and CM APPL. 13079/2020

RAJ KUMAR KUMAWAT & ORSPetitioners
Through: Mr. Gunjan Singh, Advocate
versus

GOVERNMENT OF NCT OF DELHI & ANR.... Respondents
Through: Ms. Avnish Ahlawat, Standing
Counsel GNCTD (Service) with
Mr.Nitesh Kumar Singh and
Ms.Palak Rohmetra, Advocates

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA
HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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24.08.2020

1. The hearing has been conducted through video conference.
2. The petitioners applied for the post of Nursing Officer in OBC category in Delhi. The petitioners are resident of Rajasthan and have an OBC certificate issued by the Rajasthan authority whereas under Clause 5(iii) of the advertisement, the OBCs having certificate issued by Delhi alone are eligible. The petitioners were, therefore, treated against the unreserved category and were unsuccessful.
3. The petitioners have filed this petition for being considered as OBC in Delhi.
4. Learned counsel for the respondent submits that this case is squarely covered by *M.C.D. v. Veena*, (2001) 6 SCC 571, *Government (NCT of Delhi) v. Pradeep Kumar*, (2019) 10 SCC 120,

Deepak Kumar v. District and Sessions Judge, Delhi, 2012 (132) DRJ 169 (FB) and *Ravindra Devi v. Govt. of NCT of Delhi*, in W.P.(C) 3049/2012 dated 27th November, 2013.

5. This writ petition *prima facie* appears to be covered by the judgments mentioned above.

6. At this stage, learned counsel for the petitioners submits that the petitioners shall file a public interest litigation for implementation of Article 338B of the Constitution and this writ petition be permitted to be withdrawn..

7. This writ petition and pending application are dismissed as withdrawn.

8. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

BRIJESH SETHI, J.

AUGUST 24, 2020

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