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

Date of decision: 7th October, 2020

+ **W.P.(C) 4757/2020 & CM APPLs. 17169-70/2020**

ARUN KUMAR

..... Petitioner

Through: Mr. Rajeev Lochan, Advocate.
(M:8595349647)

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel GNCTD with Mr. Nitesh
Kumar Singh, Advocate.
(M:9810134741)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been held through video conferencing.
2. The Petitioner is aggrieved by the non-consideration of his candidature for the Post of Welfare Officer Social Welfare Department of Govt. of NCT Delhi.
3. On 13th June, 2013, a notification was issued by the Delhi Subordinate Services Selection Board (DSSSB) notifying vacancies for the post of Welfare Officer, Social Welfare Department of Govt. of NCT Delhi. The Petitioner applied under the SC category and also appeared in the examination. It is the case of the Petitioner that he was shortlisted at third position in view of the marks obtained by him. Despite the fact that the candidates at position no.1 and 2 did not join, the Petitioner has not been permitted or called for joining the post of Welfare Officer. Hence the prayer

in the present petition is that the Petitioner be selected for the post of Welfare Officer as the notified seat is still lying vacant.

4. Ms. Avnish Ahlawat, ld. counsel appearing for the Respondents submits that the petition is not maintainable before this Court in view of Section 14 of the Administrative Tribunals Act, 1985. She relies upon the judgments of this Court in ***Praveen Sharma v. UPSC [W.P.(C) 498/2006, decided on 20th June, 2007]*** as also ***Ram Niwas Solanki & Ors. v. Govt. of NCT of Delhi & Anr. [W.P.(C) 3232/2020, decided on 22nd May, 2020]***.

5. On the other hand, Mr. Rajeev Lochan, ld. counsel appearing for the Petitioner submits that the jurisdiction of this Court under Article 226 and 227 of the Constitution of India is not barred. He further urges that whenever there is a violation of principles of natural justice or of fundamental rights, the writ jurisdiction is exercised.

6. A perusal of the present petition shows that this is a case relating to recruitment for the post of Welfare Officer. This would clearly be covered under Section 14 of the Administrative Tribunals Act, 1985. The two judgments cited by Ms. Avnish Ahlawat, ld. counsel would be squarely applicable to the present case. In ***Praveen Sharma (supra)*** the case relates to a person who had appeared in the UPSC examinations and was seeking another chance to appear. He was still outside the system itself and despite that the ld. Single Judge of this Court held that the appropriate remedy would be to approach the Central Administrative Tribunal (*hereinafter*, “CAT”) in view of ***L. Chandrakumar v. UOI, (1997) 3 SCC 261***.

7. There is no doubt that the writ jurisdiction can be exercised under various circumstances, including when there is violation of principles of natural justice, perversity, illegality or any other extraordinary circumstance.

However, in the present case, this Court does not find that there is any extraordinary circumstance or illegality so as to persuade this Court to exercise writ jurisdiction. Accordingly, the Petitioner is permitted to approach the CAT for redressal of his grievances in accordance with law.

8. The present petition, along with all pending applications, is disposed of as being not maintainable, with liberty to the Petitioner to approach the CAT.

**PRATHIBA M. SINGH
JUDGE**

OCTOBER 7, 2020

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