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

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Date of Decision: 29th April, 2022

+ **W.P.(C) 3016/2022 & CM APPL. 8752/2022**

SH. KAUSHAL KISHOR Petitioner
Through: **Ms Rashmi Chopra, Advocate**

Versus

UNION OF INDIA AND ORS. Respondents
Through: **Mr Tanveer Ahmed Ansari,**
Senior Panel Counsel for UOI.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

NAJMI WAZIRI, J. (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The petitioner applied for being appointed as Staff Car Driver (Ordinary Grade) in Central Ground Water Board (CGWB) pursuant to the advertisement issued in August, 2015.
2. Having the requisite educational qualification of 10+2, being conversant in English and Hindi, having 3 years' experience and having passed the skill test, he was put in the Select List.

3. A letter of appointment was to be issued to him but for undisclosed reasons, the entire recruitment process was cancelled by the respondents on 16.09.2019. This cancellation was impugned before the learned Central Administrative Tribunal (CAT) which directed the respondents to disclose the reasons. They did so.

4. The said disclosure has now been impugned. In the interim, a fresh recruitment exercise has been initiated for filling up the same vacancies.

5. The petitioner says that his rights have been affected because he kept waiting for the Offer of Appointment on the basis of his being in the Select List. It is for this reason and legitimate expectation that he did not apply anywhere else for employment.

6. The petitioner submits that pending adjudication of his petition for cancellation of the fresh recruitment process, he be considered in the new exercise without claiming any special equities and without prejudice to the rights and contentions of the parties.

7. We consider the petitioner's submissions fair and prudent because the petitioner would not qualify for the current exercise as he will be deemed overage under the new advertisement/Notice. However, if he does not participate in the present exercise, his rights may well be prejudiced irreparably.

8. In the circumstances, the petitioner will be considered in the ongoing exercise of recruitment, without the same constituting any special equities in his favour and without prejudice to the rights and contentions of the parties. The results will be the subject matter of appropriate proceedings, as may be.

9. The petition is disposed-off in the above terms. The pending application also stands disposed-off.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

APRIL 29, 2022

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