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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(C) 5895/2021 & CM APPL. 18571/2021, CM APPL. 18573/2021**

KANA RAM MEENA Petitioner
 Through: Mr Harpreet Singh, Advocate.
 versus

GOVERNMENT OF NCT OF DELHI
 & ANR. Respondents
 Through: Ms. Hetu Arora Sethi, ASC
 with Mr. Arjun Basra, Adv. for
 GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
16.11.2022

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1. The petitioner claims that he is a native of Malla Ki Dhami, Village & Post – Labana, via Achrol, Tehsil Amer, District Jaipur, Rajasthan. He claims that he belongs to a Scheduled Tribe (hereafter ‘ST’) notified for the said area.
2. The petitioner applied for the post of a Chauffeur pursuant to the Vacancy Notice dated 30.07.2019 issued by the Establishment of this Court (hereafter ‘the **DHC**’), *inter alia*, inviting online applications for the said post.
3. The Vacancy Notice expressly stated that the “*SC/ST reservation shall be given to only those candidates, who are ordinarily resident(s) of Delhi and also in possession of proof in support thereof...*”. It is material to note that the petitioner has not

challenged the condition of limiting the reservation to only those candidates who are ordinarily residents of Delhi. Thus, this Court is not required to address the said issue.

4. The petitioner states that he was called for the Preliminary Examination, Skill Test and thereafter, for the interview. He cleared the Preliminary Examination as well as the Skill Test but was rejected as he was not an ordinarily resident of Delhi.

5. The petitioner claims that he migrated to Delhi in the year 2011 and was residing with his elder brother Sh. Chetan Mandia (earlier named as Sh. Chouth Mal Meena). He also relies on the Ration Card dated 01.03.2011, which includes his name along with his brother's family.

6. The DHC examined the petitioner's application as well as the documents and found that the petitioner was not an ordinarily resident of Delhi.

7. In the online application, the petitioner was required to specifically state whether he was a migrant SC/ST from other states to Delhi and whether he was an ordinarily resident of Delhi. The petitioner had responded in the negative against both the entries.

8. The petitioner claims that he had incorrectly filled in the application form. However, the documents available with him, that is, the Ration Card, clearly establishes that he had migrated to Delhi and was living with his brother.

9. The petitioner had furnished various documents at the time of his interview. The same included his Xth class certificate; Xth class

marksheet; XIIth class certificate; XIIth class marksheet; Voter ID Card issued on 30.01.2020; Ration Card dated 01.03.2011; Aadhar Card; Caste Certificate; Driving Licence and an Experience Certificate.

10. The petitioner's certificates pertaining to his educational qualifications including the college certificate indicate that he had completed his education outside Delhi. He completed a course in Information Technology (I.T.) from Vardhman Mahaveer Open University, Kota and had appeared in the examination held in the month of November, 2017. The Driving Licence and Aadhar card issued to the petitioner also reflects his address in the state of Rajasthan. The petitioner had also submitted his Certificate of Training dated 18.10.2019 issued by one Sheraton Motor Driving School, Jaipur.

11. Whilst the petitioner claims to be residing in Delhi from the year 2011, the same is inconsistent with the very documents produced by him.

12. Considering that the petitioner had expressly stated that he was not an ordinarily resident of Delhi and he was not a migrant SC/ST from any state to Delhi, the decision of the DHC to treat the petitioner not as an ordinarily resident of Delhi cannot be faulted with.

13. In view of the above, the petition is unmerited and is, accordingly, dismissed. All pending applications are also dismissed.

14. However, if DHC reconsiders the eligibility of candidates recruited pursuant to the notice dated 30.07.2017 based on the decision of this court in *Ashu and Ors v The registrar General Delhi*

High Court: W.P.(C) 5200/2018 decided on 02.11.2022, it would also re-consider the petitioner's application for appointment against the reserved categories.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

NOVEMBER 16, 2022
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