



\$~31

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

%

Date of decision: September 15, 2022

+ W.P.(C) 13442/2022, CM APPL. 40861/2022 & 40862/2022

BIJAY KRISHNA DAS AND ORS.

..... Petitioners

Through: Mr. Shreenath A. Khemka and Mr.
Ganesh A. Khemka, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Ms. Niyati Kohli, GP for UOI
Mr. Anil Soni, Standing Counsel for
AICTE
Mr. Vikrant N. Goyal, Mr. Shikhar
Sardana and Mr. Mayank, Advocates
for R-1 to 3
Mr. Naresh Kaushik, Mr. Anand
Singh and Mr. Yogesh Yadav,
Advocates for R-5

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. By way of the present petition, petitioners seek the following reliefs:-

A. Writ of Mandamus directing the Department to redraw the Master Seniority List (Annexure P-3), so that the Petitioners are made senior to the Private-Respondents.



B. Writ of Certiorari against the 1996 Amendment (Annexure P-2), to the extent that the 2-year CME Diploma was allowed as an academic qualification, and that a separate promotional quota was introduced for CME Diploma-holders.

2. The petitioners are Junior Engineers in GREF and were recruited as Overseer and subsequently promoted to Superintendent Grade-II, which was later re-designated as Junior Engineer (Civil).
3. Under the 1982 Recruitment Rules, the academic qualification for the posts of Overseer/Charge Mechanic/Charge Electrician and Superintendent Grade-II was a three years Engineering Diploma. However, in 1996, the Rules were amended, and the two years CME Diploma was also made eligible. Furthermore, a separate promotional quota was introduced for CME Diploma-holders to give them accelerated double-promotion to the said posts.
4. The petitioners' grouse is that despite being recruited as *Overseer* before the private respondents, they were superseded in the year 2021 MSL, because the 1996 Amendment incorrectly allowed CME Diploma-holding private- respondents the benefit of accelerated double-promotion.
5. Learned counsel for the petitioners submits that despite the two years CME Diploma not being recognized by AICTE, the same was kept as an academic eligibility and was given preference over the three years AICTE recognized Engineering Diploma. However, as admitted by learned counsel for the petitioners, they never made any representation or challenged it before the concerned Authority.
6. The petitioners seek to challenge the said amendment of 1996 vide the present petition for the first time after 26 years. Thus, the present petition is



hit by gross delay and latches.

7. Accordingly, the present petition, alongwith the pending applications, is dismissed.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 15, 2022/rr