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

% Judgment delivered on: 13th September, 2023

+ W.P.(C) 11162/2023 & CM APPL. 43375/2023

SONU KUMAR

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. K.S. Negi and Mr. Nikhil Rajput,
Advocates.

For the Respondents: Mr. Amit Tiwari, Senior Panel Counsel
for UOI with Mr. Chetanya Puri, GP.
Deputy JAG Kamlesh.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks appointment as Constable (GD) in ITBP based on examination held by the respondents for recruitment to the post of Constable (GD) in CAPF in the year 2011.
2. Petitioner had participated in the examination in the year 2011, underwent written examination and medical examination but was not offered an appointment. As per the petitioner, several individuals who had participated in the above said examination, approached this High Court in W.P.(C) 5663/2013 and other connected petitions as well as the Allahabad High Court and Rajasthan High Court. Though the



record of all those proceedings is not before us, learned counsel for the petitioner submits that those petitions were filed in the year 2013 and there were hundreds of individuals who had approached Courts.

3. Learned counsel for the petitioner submits that said petitions were disposed of and directions were issued to examine the cases of the petitioners therein and to offer appointment letters to those found eligible. He concedes that petitioner had not filed any petition before any Court.

4. Learned counsel for the petitioner concedes that it is only after the judgments were rendered in those cases that the petitioner for the first time filed a representation on 10.09.2018 seeking similar relief. Though no response has been received qua the representation, petitioner has filed the subject petition on 19.08.2023.

5. As per the petitioner, he obtained certain information pursuant to queries raised under the Right to Information Act, 2005. He also submits that petitioner is similarly situated and even better off in terms of merit vis-à-vis the candidates who have been given appointments. He submits that the appointment letters were issued as late as in August, 2023 to certain individuals and as such, the case of the petitioner should also be considered by respondents.

6. We are unable to accept the contentions of learned counsel for the petitioner for the reason that petitioner has been a fence sitter for over 12 years. Appointments were made pursuant to an advertisement for an examination conducted in the year 2011. Petitioner, in the year



2011 itself, got to know that he had not been given any appointment. Petitioner took no steps to approach any Court of law for redressal of his grievances on account of non-selection. As per petitioner, he filed a representation in the year 2018 which was after a gap of 7 years and has now approached this Court after a further gap of 5 years from the date of the representation. In all, petitioner has waited for 12 years to approach the Court of law. Petition, in our view, is highly belated and even if there was any merit in the case of the petitioner, the same cannot now be considered because of delay and laches.

7. Reliance placed by learned counsel for the petitioner on appointment orders being issued in August, 2023 does not further the case of the petitioner because those appointment orders are being issued pursuant to the directions issued in the case of individuals who had agitated their grievances as far back as in the year 2013 and were successful. Petitioner, admittedly, was not a party in any of those proceedings and as such cannot now claim reopening of the case after a gap of 12 years.

8. In view of the above, we are not inclined to entertain the petition and reject the same on the ground of delay and laches.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 13, 2023

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