



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

% Date of Decision: September 13, 2023

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+ W.P.(C) 12019/2023 & CM APPL. 47163-47164/2023

STAFF SELECTION COMMISSION AND ORS. Petitioners

Through: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD (Services) with Mrs. Taniya Ahlawat, Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.

versus

NAMANDEEP AND ORS.

..... Respondents

Through:

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+ W.P.(C) 12022/2023 & CM APPL. 47169-47170/2023

STAFF SELECTION COMMISSION AND ORS. Petitioners

Through: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD (Services) with Mrs. Taniya Ahlawat, Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.

versus

VIKAS JHAJHARIA

..... Respondent

Through: Mr. Subodh Kumar Pathak and Mr. Akash Swami, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA



V. KAMESWAR RAO (Oral)

CM APPL. 47164/2023

CM APPL. 47170/2023

1. Exemption allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 12019/2023

W.P.(C) 12022/2023

3. Though, counsel for the respondents were present in the morning session, but in the post lunch session, no one appears for the respondents.
4. In the morning session Mr. Sachin Chauhan appearing for respondents in W.P.(C) 12019/2023, has drawn the attention of the Court to the memo of parties to state that 17 respondents have been impleaded in the petition, though many of the respondents have been given the employment and their grievance does not survives.
5. Noting the said submission, Mr. N.K. Singh has filed an amended memo of parties in the post lunch session. The same has been filed with filing no. E-1669281/2023. The same is taken on record.
6. The challenge in these petitions is to the order dated July 07, 2023, whereby the Tribunal while considering the interim prayer made by the respondents has in paragraph 6 of the orders stated as under:

6. Thus, we are of the view that the respondents are creating doubts in our judicial minds whether the applicants are granted fair opportunity or not as for them, it is a question of appointment and livelihood that comes under the Article 14 and 16 of the Constitution of India. Moreover, in the interest of justice, we hereby direct the



Staff Selection Commission to constitute another High Power Committee, excluding the members earlier appointed by it, to re-examine the case of all the remaining candidates whose results are withheld and submit the status report within a period of eight weeks.”

7. We have in identical writ petitions being W.P.(C) Nos.11961/2023 & 11975/2023, which were listed yesterday, disposed of the same by stating as under:

“4. We are unable to agree with the submission made by the learned counsel for the respondents inasmuch as the Committee of which reference has been made by the counsel for the respondents was constituted to look into 625 cases, out of which 135 cases / candidates have been cleared but the Committee observed to initiate criminal action against the rest. It is pursuant thereto that general FIR has been registered against 490 candidates and challans filed in the concerned Criminal Court which is seized of the issue. Under such circumstances, the Tribunal could not have directed constitution of a High Power Committee to look into the cases of the respondents, as that shall mean a parallel Committee has been constituted to carry out investigation / inquiry, which has already been carried out / done by the police. Moreover, the FIR has been registered on the asking of the Committee constituted by the SSC, so no further Committee could have been constituted.

5. Accordingly, we set aside the order dated July 7, 2023 passed by the Tribunal.”

8. For parity of reasons, the impugned orders dated July 07, 2023 in O.A. nos. 755/2023 and 635/2022 are set aside. As the O.A.’s are pending consideration before the Tribunal, the Tribunal shall decide the OAs in accordance with law.

9. This order must not be construed as our expression on merit of issue



raised by the respondents in the Original applications.

10. We take on record the submission made by Mrs. Ahlawat that the report of the Committee constituted by the Staff Selection Commission shall be placed on the file of the Tribunal in these OAs with a copy to the learned counsel for the respondents. The writ petitions are disposed of.

11. The applications are dismissed as infructuous.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 13, 2023/akc