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

+ **W.P.(C) 2028/2024**

DR GEETA SHARMA

..... Petitioner

Through: Mr. Upamanyu Sharma, Adv.

Versus

KUDREMU KH IRON ORE COMPANY LIMITED & ORS.

..... Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Ms. Priya Mishra, GP with Mr. Sandeep
Singh Somalia and Ms. Khushi Mangla, Adv. for
R-2 & R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

13.02.2024

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CM APPL. 8519/2024 & CM APPL. 8520/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 2028/2024 & CM APPL. 8518/2024 -Stay

3. The present petition under Article 226 & 227 of the Constitution of India seeks to assail the order dated 23.01.2023 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (OA) No. 428/2023. Vide the impugned order, the learned Tribunal has disposed of the Original Application filed by the



petitioner/applicant by holding that both the following prayers of the petitioner had been rendered infructuous:

“8.1 To allow the present Original Application and quash the list of shortlisted candidates and the selection recommendation list dated 13.01.2023 issued by the Respondent Public Enterprises Selection Board recommending the name of Respondent No. 3 Mr. Manoj Kumar Jhawar for the post of Director(finance), Kudramukh Iron Ore Company Limited;

8.2 To direct Respondent no. 2 Public Enterprises Selection Board to redraw the List of Shortlisted Candidates for the selection of Director(Finance), Respondent o. 1, Kudramukh Iron Ore Company Limited and include the name of the Applicant for interview in the said list in accordance with the PESB Guidelines and accompanying provisions;”

4. Learned counsel for the petitioner vehemently submits that while the first prayer sought by the petitioner had indeed been rendered infructuous as the respondent no. 3 with whose appointment, the petitioner was aggrieved, had already resigned, the petitioner’s second prayer wherein he had sought a direction to the respondent no. 2 – Public Enterprises Selection Board to re-draw the list of shortlisted candidates for the selection of Director (Finance), Kudramukh Iron Ore Company Limited, was still required to be adjudicated.
5. In order to appreciate this plea of the petitioner, it would be apposite to refer to the relevant extracts of the impugned order, which reads as under:



“4. As far as the relief claimed in prayer clause 8.2 is concerned, Mr. R. K. Jain, makes a statement that M/o Steel, Govt of India has taken a decision to fill the said post of Director(Finance) by initiating fresh recruitment process. Accordingly, instructions have been issued to Public Enterprises Selection Board (PESB) to initiate such process as per extant DOPT/ACC guidelines. In that view of the matter, we cannot grant the relief claimed in prayer clause 8.2. However, it is specifically made clear that the said post of Director(Finance) shall be filled in accordance with the law, keeping in view the decisions of the Hon'ble Courts. Further, the applicant would be at liberty to apply for the said post of Director (Finance) in pursuance to the advertisement in accordance with the relevant guidelines of ACC/DOPT and in accordance with law.”

6. From a bare perusal of the aforesaid extract of the impugned order, we find that the respondents have taken a considered decision not to proceed on the basis of the advertisement pursuant where to, the list of shortlisted candidates for selection of Director (Finance) was issued, with which the petitioner was aggrieved. What emerges is that the respondents have decided to issue a fresh advertisement and will therefore, draw a fresh list of shortlisted candidates based on the applications received in pursuance to the fresh advertisement. Once the very list of short listed candidates with which the petitioner was aggrieved has been dropped, we fail to appreciate as to how the petitioner can have any surviving grievance qua this list which has been dropped.
7. We, therefore find no infirmity with the impugned order. The writ petition being meritless is dismissed. It is however made clear that in case the petitioner is aggrieved by the list of fresh short listed



candidates as and when prepared, it will be open for her to seek legal recourse as per law.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 13, 2024

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