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

+ **W.P.(C) 4720/2024**

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..... Petitioner

Through: Mr. Sanjay Dewan, Mr. Anish Dewan, Ms. Shivani Pruthi, Mr. Khera and Mr. Aayush Davar, Advocates

versus

UNION OF INDIA THROUGH ITS SECRETARY & ORS.

..... Respondents

Through: Mr. Tanveer Ansari, SPC with Mr. Hilal Haider, GP with SI Prahlad Devenda and SI Atul, CISF Mr. Ravinder Agarwal and Mr. Lakh Raj Singh, Advocates for UPSC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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02.04.2024

CM APPL. 19301/2024 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 4720/2024, CM APPL. 19300/2024 (stay)

1. This petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to: -



- 1. Issue a writ, order or direction in the nature of certiorari, setting aside the final result list for Central Industrial Security Force Assistant Commandants (Executive) Limited Departmental Competitive Examination, 2023 (LDCE exam) dated 13/03/2024 along with office order dated 19/03/2024 issued by respondent no. 3(CISF).*
- 2. Issue a writ order or direction in the nature of Mandamus directing the Respondents to include name of petitioner under the final allocation list for Central Industrial Security Force Assistant Commandants (Executive) Limited Departmental Competitive Examination, 2023 (LDCE exam).*
- 3. Issue any other suitable Writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case."*

2. The only submission of Mr. Dewan, the learned counsel for the petitioner is that the petitioner had applied for the post of Assistant Commandants (Executive) under the Limited Departmental Competitive Examination, 2023 in CISF against the 25 vacancies advertised for the general category candidates. He also states that 24 candidates have been appointed as Assistant Commandants, leaving the petitioner.

3. He states as per the information with the petitioner, only 24 vacancies have been filled.

4. Today Mr. Agarwal who appears for the respondent no.2 submits that the 25th vacancy meant for a general candidate could not be filled because of the writ petition filed by one Amresh Shukla before this Court being W.P. (C) 979/2012 which was decided on September 28, 2022 in favour of Mr. Amresh Shukla which judgment was challenged by the respondents before the Supreme Court in the SLP being SLP (C) Diary 3898/2023 which was dismissed, resulting in the respondents implementing the said judgment against the 25th vacancy advertised.

5. He submits that it was in the peculiar facts of this case as the judgment of this Court, which was upheld by the Supreme Court, needs to



be implemented that the aforesaid action has been taken.

6. We also find that the respondents have not declared the petitioner as selected. They have declared the result of 24 candidates only against the general quota. That apart, we find the advertisement itself said that the vacancies are tentative in nature.

7. If that be so, the 25th vacancy on which Mr. Dewan sought to rely upon being tentative and having been filled, for the aforesaid reasons, the prayers as sought by the petitioner in the writ petition cannot be granted.

8. The petition is dismissed at the threshold.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 2, 2024/So..