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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5940/2024

DINESH

..... Petitioner

Through: Mr. Subodh Kr. Pathak, Mr. Pawan
Kumar Sharma and Mr. Akash Swami, Advs.

versus

STAFF SELECTION COMMISSION & ANR.

..... Respondents

Through: Mr. Jatin Singh, Mr. Keshav Sehgal,
Mr. Shivam Gaur, Mr. Kshitij Joshi and Mr. Aryan
Kumar, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.05.2024

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1. The present writ petition preferred under Articles 226 and 227 of Constitution of India seeks to assail the order dated 11.03.2024 passed by the learned Central Administrative Tribunal in O.A. 374/2024. Vide the impugned order, the learned Tribunal has rejected the original application filed by the petitioner with costs of Rs. 10,000/- by holding that the only remedy available to the petitioner was to file a PIL before this Court.
2. On the last date, this Court had, after examining the factual matrix of the matter and taking into account that the petitioner was a successful candidate in the examination in question, who has been denied



appointment on the basis of the recommendations of a three member committee appointed by the respondents which had sought to assail by way of the O.A., granted time to the learned counsel for the respondents to obtain instructions.

3. Today, learned counsel for the respondents submits that the respondent no. 1/Staff Selection Commission has authorised Delhi Police to defend the present petition and, therefore, he is unable to assist this Court. We are, however, unable to appreciate this plea as we find that neither Delhi Police is a party to the instant petition nor is anyone present on behalf of the Delhi Police. In these circumstances, we have no other option except to proceed to deal with the petition on merits without granting any further time to the respondents.
4. Having perused the impugned order, we are of the view that once the petitioner is directly aggrieved by the recommendations made by the Committee as a result of which recommendations, he has been denied appointment, the petitioner certainly had a cause to approach the Tribunal. In fact, we fail to appreciate as to how a PIL would be maintainable at the instance of the petitioner when he has a direct *lis* in the matter. We have, therefore, no hesitation in holding that the findings of the learned Tribunal that the O.A. was not maintainable and was absolutely incorrect. We, therefore, set aside the impugned order and remand the matter back to the learned Tribunal for adjudication of the O.A. on merits.
5. List before the Registrar of the learned Tribunal on 15.07.2024.



6. The petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 24, 2024
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