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

+ **W.P.(C) 10782/2021 & CM APPL. 33264/2021**

AMIT KUMAR SHRIVASTAVAPetitioner

Through: Mr. M.K. Bhardwaj, Advocate with
Mrs. Priyanka M. Bhardwaj and Ms.
Akshita Nain, Advocates.

versus

ICAR AND ORSRespondents

Through: Mr. Rajeev Sharma, Senior Advocate
with Mr. Dhruv Sheogan and Mr.
Archit Upadhayay, Advocates for
respondent No.1.
Mr. Pradeep Kumar Arya, aDvoate
with Mr. Aditya Kumar Yadav, Mr.
Prateek Chhikara, Mr. Gaurav
Chaudhry, Mr. Arpit Bamel, Mr. Alok
Yadav, Mr. Sanjeev Deshwal and Ms.
Swati, Advocates for respondent
No.2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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12.09.2024

1. Present public interest petition has been filed challenging the recruitment process initiated by the respondent No.1/ICAR for recruitment for one unreserved post of Legal Advisor, ICAR, New Delhi on direct recruitment basis, whereby respondent No.2 was appointed as 'Legal Advisor, ICAR' vide offer of appointment dated 08th December, 2010.
2. Learned counsel for petitioner states that respondent No.2 was not eligible for the post of Legal Advisor on account of non-fulfilment of both



the eligibility conditions i.e. having practiced for ten years as an Advocate or having worked in any legal department for five years as Judicial Officer or a Law Officer (in PB-3 of Rs.15600-39100 with GP as Rs.6600).

3. Learned counsel for petitioner states that the act and omissions of respondents are in violation of DoP&T OM No.11012/7/91-Estt.(A) dated 19th May, 1993 read with OM No.36011/1/2012-Estt.(Res.) dated 10th January, 2013 whereby punishment of discharge, termination, removal or dismissal from service is recommended for Government servants who procured initial appointment on the basis of false information.

4. Admittedly, the present writ petition has been filed eleven years after respondent No.2's appointment in January, 2010. The Supreme Court in *Sivanandan C.T. and Ors. v. High Court of Kerala & Ors.*, (2024) 3 SCC 799 has held that, '*at this lapse of time, it may be difficult to direct either the unseating of the candidates who have performed their duties. Unseating them at this stage would be contrary to public interest since they have gained experience.....*' During the pendency of the present writ petition, respondent No.2 has even superannuated on 30th September, 2023.

5. Keeping in view the aforesaid fact, the present writ petition and application are dismissed on the grounds of laches as well as contrary to public interest and it having become infructuous.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 12, 2024

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