



2024:DHC:4586



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

% Judgment delivered on: 29.05.2024

+ **W.P.(C) 8131/2024****MANJEET KUMAR**

..... Petitioner

versus

FOOD CORPORATION OF INDIA

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Nitin K. Gupta, Advocate.
For the Respondent : Mr. Pankaj Kumar Yadav, Proxy
Counsel for Mr. Om Prakash,
Standing Counsel for FCI (through
VC).

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 33413/2024& CM APPL. 33414/2024**
(Exemptions)

1. Exemptions are allowed subject to all just exceptions.
2. Applications are disposed of.

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3. This is a writ petition under Articles 226/227 of the Constitution of India, inter-alia, seeking following reliefs:



“a) Setting aside/Quashing the Impugned withheld list dt. December’ 2020 issued by the Respondent communicated vide RTI reply dt. 06.05.2024 and;

b) direct Respondent to Appoint the Petitioner on the post of AG III (Depot) as per his merit with all consequential benefits from the date of appointment of his counterparts.”

4. After hearing the arguments of the learned counsel for the petitioner, it appears that there is no plausible reason as to why the petitioner after having appeared in the Phase-2 Examination held on 27.07.2019 as also being aware of the fact that the results of Phase-2 Examination were declared in December, 2020, where his name did not appear, did not agitate the grievance till date.

5. Learned counsel for the petitioner, on a query, submits that on account of COVID, the delay has occurred. Learned counsel submits that on being informed orally by the FCI that other petitions challenging the same result were pending before this Court, the petitioner did not agitate his own grievance before this Court.

6. Apart from the aforesaid submissions, there is no sufficient cause shown as to for what reason, the petitioner did not agitate his grievance till date. The petitioner appears to be a mere fencesitter who did not agitate his grievance in time. It is not disputed that the petitioner had appeared in the final examination on 27.07.2019 as also was aware of the declaration of result in December, 2020. In case, the petitioner was agitated or aggrieved



by such result, he would have surely approached this Court for relief.

7. Learned counsel for the petitioner invites attention of this Court to pages 54 and 55 which, according to the learned counsel, is the edifice of the grievance of the petitioner today.

8. This Court has perused the said document placed on record. The document at page 54 is the reply under the RTI Act, 2005 to a query raised by the petitioner on 12.04.2024 and the answer, in a tabulated form, of the result which was withheld, is at page 55. A perusal of the said document or Master Data at page 55 would reveal that the name of the petitioner is indicated at Srl. No.60 and in the Remarks Column, it is mentioned that the result of the candidate has been withheld in accordance with the Recruitment Notification.

9. This by itself would not be sufficient to condone the delay or to extend the limitation for not having agitated the same till date. This is for the reason that the RTI application itself was filed on 12.04.2024 and that surely, could not be the cause of action for filing the present writ petition. This is keeping in mind the fact that the Examination was held in 2019 and the result was declared in December, 2020.

10. In that view of the matter, it appears that the present petition, is clearly barred by limitation.

11. Ordinarily, this Court would have passed orders dismissing such kind of petitions with costs, however, is refraining from doing so.



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12. In view of the above, the petition is dismissed with no order as to costs.

TUSHAR RAO GEDELA, J.

MAY 29, 2024
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