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

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+ W.P.(C) 13450/2023, CM APPL. 53118/2023 and CM APPL. 53120/2023

DR SUDHAMOY MANDAL

.....Petitioner

Through: Mr. Sujeet Kumar Mishra, Advocate

versus

AGRICULTURAL SCIENTISTS RECRUITMENT BOARD & ORS.

.....Respondents

Through: Mr. Sushil Raaja, Senior Panel
Counsel for Union of India.

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+ W.P.(C) 13506/2023, CM APPL. 53302/2023 and CM APPL. 53304/2023

DR SUDHAMOY MANDAL

.....Petitioner

Through: Mr. Sujeet Kumar Mishra, Advocate

versus

AGRICULTURAL SCIENTISTS RECRUITMENT BOARD & ORS.

.....Respondents

Through: Mr. Sushil Raaja, Senior Panel
Counsel for Union of India.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.07.2024

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1. W.P.(C) 13450/2023 has been preferred on behalf of the Petitioner under Article 226/227 of the Constitution of India seeking the following



reliefs:-

“(a) issue an appropriate Writ, Order or Direction in the Nature of Mandamus directing the Respondents/ ASRB to allow the Petitioner to appear in the Interview Scheduled to be held on 13.10.2023 in the Post of Head, Division of Horticulture & Forestry, ICAR-Central Island Agricultural Research Institute, Port Blair being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, and issue Provisional Admit Card/Call Letter as required to appear in the said interview; and/or

ALTERNATIVELY:

issue an appropriate Writ, Order or Direction in the Nature of Mandamus directing the Respondents/ ASRB to consider the Application of the Petitioner and Schedule an Interview in the Post of "Division Head", Division of Horticulture & Forestry, ICAR-Central Island Agricultural Research Institute, Port Blair being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, on any suitable future date as per the convenience of the Respondents/ ASRB and issue Provisional Admit Card/Call Letter accordingly for the said purpose in the interest of justice; and/or

(b) issue an appropriate writ, order or direction in the nature of certiorari directing the Respondents to produce all the records relating to interview to be conducted by the respondents/ ASRB on 13.10.2023 in the Post of "Division Head", Head, Division of Basic Sciences, ICAR - Indian Institute of Horticultural Research, Bangaluru being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, and after going through the same may pass such order(s)/direction(s) as deemed fit and necessary for conscionable justice to be done;

(C) Rule nisi in terms of prayer (a) and (b) and ad-interim order in term of prayer (a) above; and

(D) pass such other and further order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. W.P.(C) 13506/2023 has been preferred on behalf of the Petitioner under Article 226/227 of the Constitution of India seeking the following reliefs:-

“(a) issue an appropriate Writ, Order or Direction in the Nature of Mandamus directing the Respondents/ ASRB to allow the Petitioner to appear in the Interview Scheduled to be held on 13.10.2023 in the Post of Head, Division of Horticulture & Forestry, ICAR-Central Island Agricultural Research Institute, Port Blair being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, and issue Provisional



Admit Card/Call Letter as required to appear in the said interview; and/or

ALTERNATIVELY:

issue an appropriate Writ, Order or Direction in the Nature of Mandamus directing the Respondents/ ASRB to consider the Application of the Petitioner and Schedule an Interview in the Post of "Division Head", Division of Horticulture & Forestry, ICAR-Central Island Agricultural Research Institute, Port Blair being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, on any suitable future date as per the convenience of the Respondents/ ASRB and issue Provisional Admit Card/Call Letter accordingly for the said purpose in the interest of justice; and/or

(b) issue an appropriate writ, order or direction in the nature of certiorari directing the Respondents to produce all the records relating to interview to be conducted by the respondents/ ASRB on 13.10.2023 in the Post of "Division Head", Head, Division of Horticulture & Forestry, ICAR-Central Island Agricultural Research Institute, Port Blair being Item No.37 in Advertisement No. 02/2023, dated 10.07.2023, and after going through the same may pass such order(s)/direction(s) as deemed fit and necessary for conscionable justice to be done;

(C) Rule nisi in terms of prayer (a) and (b) and ad-interim order in term of prayer (a) above; and

(D) pass such other and further order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. On 24.01.2024, learned Senior Panel Counsel for Union of India had informed the Court that the results were about to be pronounced and published and accordingly, the Court had directed Union of India to produce the results. On 28.03.2024, the results were produced and perused by the Court. On perusal it was found that so far as the post of Head, Division of Basic Sciences, ICAR was concerned, one Dr. Basavaprabhu L Patil had been selected being Rank No.1 having obtained 76.30 marks whereas Petitioner was at Serial No.9 having obtained 56.29 marks. So far as the other post i.e., Head, Division of Horticulture & Forestry, ICAR was concerned, the selected candidate, namely Dr. Raj Narayan, was at Serial No.5 having obtained 72.80 marks, whereas the Petitioner was at Serial



No.9, having obtained 56.29 marks.

4. From the result produced by Union of India, it is evident that the Petitioner has not been selected because of his low scores and this is substantiated by the mark-sheets placed on record. Therefore, nothing further survives in the present petition.

5. At this stage, learned counsel for the Petitioner submits that he may be permitted to withdraw the present petitions with liberty to assail the criteria of allocating marks.

6. Writ petitions are disposed of as withdrawn with liberty as prayed for, in accordance with law. Pending applications are also disposed of.

JYOTI SINGH, J

JULY 12, 2024/kks/shivam