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

+ **W.P.(C) 16692/2023**

RAKESH KUMAR

.....Petitioner

Through: **Mr. V.S.R. Krishna and Mr. V. Shashank Kumar, Advocates.**

versus

JAWAHARLAL NEHRU UNIVERSITY

.....Respondent

Through: **Mr. Ginny J. Rautray, Mr. Navdeep Singh, Ms. Devika Thakur and Mr. Ranvijay Singh, Advocates for JNU.**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **25.10.2024**

CM APPL. 37982/2024

1. This is an application filed on behalf of the applicant/petitioner under Section 151 of CPC, 1908 seeking revival of W.P.(C) 16692/2024, which was disposed of *vide* the order dated 29th February, 2024 by this Court.
2. Mr. Shashank Kumar, learned counsel appearing for the applicant/petitioner submits that the original grievance raised by the applicant/petitioner was in respect of the consideration of the case of the applicant/petitioner for appointment to the post of Assistant and only in the alternate was it prayed that in case, the applicant/petitioner is found ineligible for the post of Assistant, then to consider his case for appointment as Junior Assistant.
3. This submission was predicated on the premise that the eligibility and the qualifications required for the post of Assistant was equally applicable to



the post of Junior Assistant. He states that during the arguments in the main writ petition on 29th February, 2024, this Court, after considering the statement made on behalf of the respondent/Jawahar Lal Nehru University, had passed the following directions:

“8. Per contra, Ms. Ginny J. Rautray, learned counsel appearing for the respondent disputes the contentions raised by the petitioner. She submits that it is only when the petitioner was not found suitable for the post of Assistant, that his name did not figure for the issuance of appointment letter for such post.

9. She submits that so far as the post of Junior Assistant is concerned, the petitioner can also be considered along with other eligible candidates for the post of junior assistant. Learned counsel submits that subject to fulfilling all conditions and eligibility, the petitioner would be surely considered along with the other candidates.

10. In view of above, binding the department to the statement given by Ms. Rautray, the petition is disposed of directing the respondent to consider the name of the petitioner for the purposes of the post of Junior Assistant and if found fit and eligible issue appropriate appointment letter within four weeks from today.

11. The petition is disposed of along with all the pending applications.”

4. According to Mr. Shashank Kumar, it is clear *vide* letter dated 22nd May, 2024 that the petitioner had not even made to the cut off list of Junior Assistant and as such, the statement obviously could not have enured to his benefit. He thus submits that this Court may revive the writ petition and consider his prayer qua the post of Assistant.

5. From the above, it is apparent that the order dated 29th February, 2024 was passed by this Court on the statement of learned counsel for the respondent that it was possible to consider the petitioner’s candidature for



the post of Junior Assistant subject to fulfilling of all other conditions and eligibility.

6. *Per Contra*, Mr. Navdeep Singh, learned counsel appearing for the non-applicant/respondent JNU states that the respondent objects to the submission made by Mr. Shashank Kumar, learned counsel for the applicant/petitioner as to the eligibility criteria being common to both the posts of Assistant as well as Junior Assistant. According to him, both the posts carry two separate eligibility criteria.

7. After having heard learned counsel for the parties, this Court is of the considered opinion that the order dated 22nd May, 2024 appears to constitute a fresh cause of action to the applicant to reagitate his grievance for the post of Assistant only.

8. In view of the aforesaid prayer made by the learned counsel for the applicant/petitioner, this Court is of the considered opinion that liberty to contest his cancellation of candidature for the post of Assistant can be afforded in the facts which have arisen in the present case, subject, of course, to the objections and the contentions of the respondent in that regard.

9. The rights and contentions of all the parties are left open.

10. The application is disposed of.

TUSHAR RAO GEDELA, J

OCTOBER 25, 2024

kct