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

+ **W.P.(C) 13102/2024**

AKASH BHARAT JADHAV

.....Petitioner

Through: Mr. Alakh Alok Srivastava and Mr.
Rishabh Bafna, Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Sushil Kumar Pandey, SPC with
Ms. Neha Yadav and Mr. Kanishk
Kharbanda, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

19.09.2024

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CM APPL. 54764/2024 – (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 13102/2024 & CM APPL. 54765/2024 –Int. relief

3. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who is aspiring to join the Central Reserve Police Force (CRPF) as an Assistant Sub Inspector (ASI) (Pharmacist) having applied for the said post pursuant to the advertisement issued in 2020, has approached this Court seeking the following reliefs:-

“a) Issue urgent appropriate writ, order or direction to the Respondent Authorities to forthwith prepare a reserve panel/ waiting list of the candidates in the recruitment process of the post of Assistant Sub Inspectors (Pharmacist) in the Respondent CRPF conducted vide Advertisement for the Para Medical Staff Recruitment – 2020;



b) Accordingly, issue urgent appropriate writ, order or direction to the Respondent Authorities to forthwith appoint the Petitioner herein to the said post of Assistant Sub Inspectors (Pharmacist) in the Respondent CRPF against the unfilled vacancies of the said post which are lying vacant due to non-joining, cancellation, non-appointment, abandonment etc. in the recruitment process of the Para Medical Staff Recruitment – 2020 conducted by the Respondent CRPF; and/or

c) Or in alternative, issue urgent appropriate writ, order or direction to the Respondent Authorities to appoint the Petitioner herein to the post of Assistant Sub Inspectors (Pharmacist) in the Respondent CRPF in the next recruitment cycle, if no unfilled vacancy is found to be suitable for the Petitioner in the present Para Medical Staff Recruitment – 2020 cycle.”

4. Learned counsel for the petitioner submits that even though 84 vacancies of ASI (Pharmacist) were advertised, some of the vacancies not only in the Unreserved Category but also in the Reserved Categories have remained unfilled. The respondents are however not taking any steps to fill up these vacancies as they have till date not published any wait list and are proposing to carry forward these vacancies to the next selection process, which will cause irreparable loss to the petitioner who is likely to be appointed in case all the available vacancies are filled up on the basis of the result of the selection process conducted pursuant to the advertisement issued in 2020. In support of his plea, he places reliance on the decision of this Court in *Ashish & Ors. vs. Sashastra Seema Bal & Anr.* (W.P.(C) 6394/2022).

5. Issue notice. Learned counsel for the respondents accepts notice and submits that he is still awaiting instructions regarding the availability of unfilled vacancies. He, however, does not deny that this Court has already directed in *Ashish & Ors. (supra)* that a waitlist ought to be maintained to



fill up the vacancies which remain unfilled due to non-acceptance of offer of appointment or cancellation of the offer of appointment of candidates in the main select list.

6. In the light of this stand taken by the respondents, we are of the view that the petitioner is justified in urging that an endeavour must be made to fill up all the vacancies of ASI (Pharmacist) which were advertised in the year 2020 from candidates who had applied in the selection process of the said year. Needless to state, the same would be subject to the candidates meeting the eligibility criteria.

7. We, accordingly, dispose of the writ petition along with the pending application by directing the respondents to fill up, within 6 weeks, all the available unfilled vacancies of the post of ASI (Pharmacist) advertised in 2020 by considering the candidates as per their merit position and category, irrespective of whether or not their names were included in the main select list issued by the respondents. It is, however, made clear that this order will not be construed as a direction to the respondents to appoint the petitioner as ASI (Pharmacist) and as appointments, if any, in terms of this order will be based on the merit of the candidates and the respective categories to which they belong.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 19, 2024
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