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

+ **W.P.(C) 13599/2024 and CM APPL. 56891/2024**

PRABHAKAR KUMAR

.....Petitioner

Through: Mr. U. Srivastava and Mr. Gaurav
Sarawat, Advocates

versus

UNIVERSITY OF DELHI AND ORS

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Advocate
for R-1 to 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

26.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India laying a challenge to a Notification dated 23.12.2022 with consequential reliefs as follows:

“a) Directing the respondents to place the relevant records pertaining to the present writ petition before their Lord ships for the proper adjudication in the matter in the interest of justice.

b) Quash and setting aside the notification dt. 23.12.2022 (Annexure P/1) read with consequential notifications dt. 30.10.23 (Annexure P/2) finalizing result of LDE for library cadre for 2022-23 including the reply submitted to the CCPD complaint dt. 06.06.24 (Annexure P/3) clarifying that no post is vacant for PWD; further

c) Directing the respondents to declare the PWD vacancy against promotion quota and accordingly consider the request of the petitioner for promotion as per his merit against the notified vacancies with all consequential benefits.

(d) Allowing the present writ petition of the petitioner with admissible consequential benefits and cost.”

2. The grievance of the Petitioner, as envisaged in the petition, is for reservation of the OBC PWD category in the post in question. According to

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the Petitioner, he had appeared in the Limited Departmental Examination on 31.01.2024 and secured 37% marks whereas as per the Recruitment Rules in question, 35% marks were sufficient for PWD candidates. According to the Petitioner, if he was given the benefit of PWD category, he will be granted benefit of relaxation and would be selected. Representations made by the Petitioner have been pending till date.

3. Issue notice.

4. Mr. Mohinder J.S. Rupal, learned counsel accepts notice on behalf of Respondents No.1 to 3.

5. At this stage, since the petition is being disposed of only with a direction for disposal of the representation, notice to Respondents No.4, 5 and 6 is dispensed with.

6. This writ petition is disposed of directing the Respondents to treat the present petition as a representation and decide the same looking into the grievances ventilated and the legal issues raised therein with OBC PWD reservation. Pending application also stands disposed of.

7. Mr. Mohinder J.S. Rupal, learned counsel assures that the decision will be taken within three weeks from today. A speaking and reasoned order will be passed in view of the submission made and the law on PWD reservation including the judgments on the issue by the Supreme Court.

8. The decision will be communicated to the Petitioner within one week from the date of the decision and he will be at liberty to take recourse to legal remedies in case of any grievance.

JYOTI SINGH, J

SEPTEMBER 26, 2024/kks

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