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

+ **W.P.(C) 14355/2024 and CM APPL. 60107-60108/2024**

MR MAUBEEN KHAN

.....Petitioner

Through: Mr. Rana Ranjit Singh, Mr. Vivek Kumar Singh, Mr. Ravish Singh, Ms. Akanksha Singh and Ms. Sweta Singh, Advocates.

versus

JAMIA HAMDARD AND ORS.

.....Respondents

Through: Dr. Swaroop George, Standing Counsel with Mr. Abhinandan Jain, Advocate for Respondent No.1.

Mr. Syed Abdul Haseeb, CGSC with Mr. Tanveer Zaki, Advocate for Respondent No.3/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.10.2024

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1. This writ petition has been preferred on behalf of the Petitioner laying a challenge to the order dated 10.11.2020 changing the terms and conditions of his appointment as Security Officer as well as order dated 29.03.2023 passed by Respondent No.1 declining the request of the Petitioner for regularization of his services as Security Officer.
2. Issue notice.
3. Dr. Swaroop George, learned Standing Counsel accepts notice on behalf of Respondent No.1 and Mr. Syed Abdul Haseeb, learned CGSC accepts notice on behalf of the Respondent No.3.

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4. A bare reading of order dated 29.03.2023 shows that it is a sketchy and unreasoned order. There is a reference to constitution of a three-Member Committee by the Competent Authority to assess the suitability of the Petitioner for the purpose of regularizing his services as Security Officer in Jamia Hamdard. Thereafter, the order only records that the Assessment Committee submitted its recommendations after detailed deliberation and on the basis of the recommendations, Competent Authority has not considered Petitioner's request for regularization. Court is unable to discern any reason or factor that weighed with the Assessment Committee and the Competent Authority to conclude that case of the Petitioner was not fit for regularization. Supreme Court has time and again emphasized that reasoned and speaking orders are the heart and soul of any decision. Every person who raises a grievance has a right to know the reason that weighed with the Competent Authority to reject his claims. In these facts, it would be appropriate if the Competent Authority is directed to pass a fresh order.

5. Accordingly, this writ petition is disposed of directing Respondent No.1 to treat this writ petition as a representation and decide the grievances raised by the Petitioner taking into consideration the factual and legal issues flagged by the Petitioner. After considering the representation, the Competent Authority will take a decision within eight weeks from the date of receipt of this order. The decision will be taken keeping in mind the issues flagged by the Petitioner as well as the Recruitment Rules of the post of Security Officer.

6. Needless to state that if the Competent Authority decides in favour of the Petitioner, his services will be regularized within six weeks from the decision with consequential benefits and if for any justifiable reason, the



decision is otherwise, a reasoned and speaking order shall be passed which will be communicated to the Petitioner within one week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies, if so advised.

7. Pending applications stand disposed of.

JYOTI SINGH, J

OCTOBER 16, 2024

B.S. Rohella/shivam

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