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

% ***Date of Decision: 18th December, 2024***

+ **CONT.CAS(C) 1678/2024& CM APPL. 74352/2024**

RAKESH CHOPRA

.....Petitioner

Through: Mr. Rajive Bhalla, Sr. Advocate with
Ms. Aadya Kapoor, Advocates.

versus

KRISHAN KUMAR MD NHIDCL

.....Respondent

Through: Mr. Debal Kumar Banerji, Sr.
Advocate with Mr. Pratishth Kaushal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks initiation of contempt proceedings against the respondents for making wrong and incorrect statement in W.P.(C) No. 16645/2022 on 08.05.2024.
2. It needs to be noticed that the above said writ petition was pending consideration before the learned Division Bench of this Court and was disposed of on 08.05.2024 and while disposing of the above said petition, it was recorded as under in para 11 and para 12:-

“11. Having said so, we find that at this stage, the vacancy against which the petitioner had applied is no more available as it is the categoric stand of respondent no.6, as articulated by their learned senior counsel, Ms.Trivedi, that the vacancy against which the petitioner was selected stands allotted to the next candidate in the wait list panel prepared by respondent no.6.

12. In these circumstances, merely because by way of an interim



order the petitioner was permitted to appear in the interview for a vacancy advertised on 01.09.2022, for which he never applied, we are unable to direct the respondent no.6 to consider him for appointment against that vacancy. In these circumstances, even though we have held that the petitioner's request for NOC to join respondent no.6 was unjustifiably denied by the respondent nos.3 & 4, we cannot, at this belated stage, grant him any relief as prayed for. We may also note that the petitioner had for the first time approached the Court in October 2022 i.e., much after the vacancy against which he had been selected had been allocated to the wait listed candidate."

3. According to learned counsel for petitioner, an incorrect and fraudulent statement had been made before the learned Division Bench which led to the disposal of the writ petition in the above said manner.
4. According to petitioner, at the relevant time, the vacancy was very much available.
5. Such fact, whereas, has been disputed by the learned counsel for respondent, who appears on advance notice.
6. Be that as it may, while exercising contempt jurisdiction, this Court would not be in a position to hold, either way in this regard.
7. The petition stands disposed of.
8. Petitioner is at liberty to take other steps as permissible under law.

(MANOJ JAIN)
JUDGE

DECEMBER 18, 2024/sw