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

+ W.P.(C) 5558/2006

K.VIJAY KUMAR & OTHERS

.....Petitioners

Through: None

versus

BHARAT HEAVY ELECTRICALS LTD.

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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02.05.2026

1. None appears on behalf of the parties.
2. Writ Petition under Article 226 of the Constitution of India had been filed on behalf of the Petitioners for Notification of the Advertisement published in Employment News dated 18-24 March, 2006 as illegal, null and void and unconstitutional being violative of Articles 14, 16 and 371-D of the Constitution of India and to issue appropriate directions.
3. The Case of the Petitioners are that they are unemployed Diploma Holders in Mechanical Engineering, who were registered with the local District Employment Exchange at Sangareddy, Medak District, Andhra Pradesh, which is covered by Zone vi of the schedule set out in the Presidential Order of 1975. The Respondent/Bharat Heavy Electricals Ltd. is a premier engineering organization of the country. The Government of India in the Ministry of Home Affairs issued Office Memorandum No. 14/11/64-Estt.(D) dated 21.03.1964, addressed to all the Ministries directing them that



the recruitments should be made by compulsory notification of the vacancies and filling them through the Employment Exchanges as per the assurances given by the Hon'ble Ministry for Labour in Parliament and further that the need for issuing advertisement for inviting application or tapping other sources of recruitment should be considered only if the employment exchanges issue non-availability certificates.

4. It is submitted that the Notification seeking to fill up the vacancies, only by newspaper publication and not through the Employment Exchanges, which is compulsory under the Employment Exchanges Act, 1959 is against the law laid down by the Hon'ble Supreme Court of India in the Case of Excise Superintendent vs. K.P.N. Vishweswara Rao, 1996 (6) SCC 216. A prayer is, therefore, made that this Notification be quashed.

5. From the contents of the Petition and the relief for declaring the Notification dated 18-24th March, 2006 issued for appointment in the Respondent Company, has become infructuous.

6. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 2, 2026/RS