

(2010) 07 DEL CK 0388

In the Delhi High Court

Case No : Writ Petition (C.) No. 5005 of 2010

Ajit Kumar and Others

APPELLANT

Vs

Lt. Governor of Delhi and Others

RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 DEL CK 0388

Hon'ble Judges : Pradeep Nandrajog, J; Mool Chand Garg, J

Bench : Division Bench

Advocate : Pradeep Kr. Arya and Narinder Choudhary, for the Appellant; Sushil Dutt Salwan, Addl. Standing Council, Govt. of NCT of Delhi, for the Respondent

Final Decision : Dismissed

Judgement

Mool Chand Garg, J.—Petitioners participated in a selection process for the recruitment of Constables in Delhi Police pursuant to an advertisement issued on 01.05.2008 for filling up 3388 vacancies of Constables (Executives) both Male and Female. This was in accordance with the Standing Order (SO) No. 212/2008 dated 24.04.2008 which prescribed the procedure for recruitment of constables. The criteria for filling up the vacancies were prescribed in the application forms. After a written examination was conducted for the vacancies on 26.10.2008, the petitioners were declared successful in the written test and were also called for the interview. Thereafter, they were called for a medical test.

2. The respondents however amended Standing Order No. 212/2008 on 15.12.2008 i.e. before completing the process of selection by increasing the strength of panel by 20%. Paragraph 17 of the Standing Order No. 212/2008 dated 24.04.2008 reads as under:

In large recruitment, whenever felt desirable and necessary, at the end of the recruitment process, a list of candidates will be announced which will be strictly according to merit and include names of candidates twenty per cent over and above the number of vacancies advertised. They put through medical

examination and police verification. This will be done so that if some candidates higher up in the merit list (category-wise) do not make it through the medical examination or police verification, or unable to join the training due to personal reasons, or other exigencies, candidates lower in the merit list as announced above can be appointed strictly based on merit. This exercise will be undertaken, so that vacancies do not go unfilled and would be relevant for that recruitment only. It is reiterated that number of selected candidates shall not exceed the number of vacancies advertised. Being called for medication examination or being subjected to police verification will no way give any legal claim or right to any candidate finally appointed.

A final list was declared by the respondents subsequently in 2009 but in the said list the name of the petitioners were found missing.

3. Petitioners contend that inclusion of 20% additional vacancies in the panel which was to be prepared for selection of constables in accordance with the advertisement given on 01.05.2008, was contrary to the scheme under which the selections were to be made in accordance with the Standing Order No. 212/2008 dated 24.04.2008. It has been submitted that amendment of the said Standing Order by including 20% additional vacancies over and above the number of vacancies advertised was illegal.

4. We are unable to agree with the aforesaid submission for the simple reason that increasing the panel for 20% additional vacancies in no way affects the right of the petitioner if they are meritorious and finds place in the merit list which unfortunately they did not. Accordingly they were not selected. The Tribunal has considered all the aspects of the matter and has even scrutinized the merit list prepared by the respondents. No irregularity has been found in preparing the said list which has been prepared in accordance with the procedure prescribed. It is not in dispute that the amendment of S.O. No. 212/2008 was amended before declaring final results and it only benefited those who had undertaken the examination as per original advertisement.

5. Learned Counsel has urged no other issue, though we note that before the Tribunal many were urged and in respect whereof grounds have been set forth in the writ petition.

6. In these circumstances we find no reason to interfere in the orders passed by the Tribunal dated 28.04.2010.

7. The writ petition is accordingly dismissed.