
(2013) 08 DEL CK 0155

In the Delhi High Court

Case No : Writ Petition (C) No. 3805 of 2012

Anjana Kumari

APPELLANT

Vs

District and Session Judge and Another

RESPONDENT

Date of Decision : 21-08-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 08 DEL CK 0155

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : D.K. Santoshi, for the Appellant; Avnish Ahlawat, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—Petitioner seeks appointment to the post of LDC with the respondent no. 1/District and Session Judge, Delhi. Petitioner participated in selection process and succeeded, however, the selection process was quashed by a judgment dated 9.8.2010 passed in L.P.A. 417/2010 in the case titled as Anupam Garg Vs. District & Sessions Judge & Ors. It cannot be disputed that petitioner is one of the candidates in the selection process which was cancelled in terms of the judgment dated 9.8.2010.

2. Respondent no. 1 thereafter intimated the candidates to re-appear in the typing test and this has been done by means of UPC, giving notice on the website of the Office of the District and Sessions Judge, and also by pasting of the notice on the notice board of the District Court.

3. The counter-affidavit filed by respondent no. 1 shows that UPC notices were sent to all the candidates to re-appear.

4. The contention of the petitioner is that petitioner has not received the information sent through UPC on 13.9.2010. Petitioner therefore claims that she should be appointed.

5. In my opinion, the writ petition is liable to be dismissed and is accordingly dismissed for the following reasons:-

(i) As many as 966 candidates were informed to re-appear in the test by UPC and therefore, I cannot allow only one person to claim ignorance so as to set aside a subsequent selection process.

(ii) In fact, petitioner really ought to have been vigilant because it is the petitioner who was seeking employment, and therefore, it cannot be ruled out that the petitioner would have been regularly following the postings made by the respondent no. 1 on its website. If however the petitioner has not done that then the petitioner's indolence cannot help him.

(iii) Fresh selection process which was conducted has been finalized, appointees have taken their posts, and no further posts are available in terms of the relevant recruitment process. Once that is so, I would not seek to exercise my extra-ordinary jurisdiction under Article 226 of the Constitution of India in favour of the petitioner, who either would have knowledge from the information sent by UPC or of the posting on the website of the District Court or otherwise has been guilty of lethargy by failing to follow up with the respondent no. 1.

6. Counsel for the petitioner contends that in terms of cancelled selection process some persons have been appointed, however, counsel for respondent no. 1 states that under the cancelled selection only those persons have been appointed who have cleared the fresh selection process. In view of the above, there is no merit in the writ petition and the same is therefore dismissed, leaving parties to bear their own costs.