

(2020) 08 DEL CK 0202

In the Delhi High Court

Case No : Letter Patent Appeal No. 227 Of 2020

Rajendra Prasad Sharma

APPELLANT

Vs

Union Public Service Commission & Ors

RESPONDENT

Date of Decision : 28-08-2020

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151

Citation : (2020) 08 DEL CK 0202

Hon'ble Judges : Siddharth Mridul, J; Talwant Singh, J

Bench : Division Bench

Advocate : Tanveer Ahmed, Prateek Gupta, Naresh Kaushik, Arun Bhardwaj, Abhishek Sharma, Manish Singhvi, D.K. Devesh, Mangal Sharma, Kartikey Bhatt

Final Decision : Disposed Of

Judgement

Siddharth Mridul, J

CM APPL.20772/2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

CM APPL.20773/2020 (Exemption)

The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/appellant seeking exemption from filing duly attested affidavits in support of the accompanying appeal, as well, as the application.

For the reasons stated in the application and in view of the present prevailing situation, the same is allowed. The applicant/appellant is allowed to file the duly signed and attested affidavits within a period of one week from the date of resumption of regular functioning of the Court.

With the above directions, the present application is disposed of.

1. The present Letters Patent Appeal under Clause 10 of the Letters Patent, inter alia, assails the order dated 21.08.2020, passed by the learned Single Judge in W.P. (C) 3509/2020 titled as 'Shri Akul Bhargava & Ors. vs. Union Public Service Commission & Ors.'.

2. Mr. Tanveer Ahmad, learned counsel appearing on behalf of the appellant, however, limits the relief in the present appeal to a direction to the learned Single Judge to determine the maintainability of the subject writ petition as well as the subject matter and territorial jurisdiction of this Court to entertain the subject writ petition, as a preliminary issue.

3. Issue notice.

4. Counsel, as above accept notice on behalf of the respondents.

5. With the consent of the learned counsel appearing on behalf of the parties, the appeal has been heard finally.

6. We observe that, inter alia, vide order dated 12.06.2020 in paragraph 7 thereof, the learned Single Judge was pleased to observe as follows:

"7. The Court has heard the submissions of the parties, and has perused the records. The first question that would have to be determined by this Court is as to the maintainability of the writ as also the territorial jurisdiction."

7. In view of the foregoing and with the consent of the learned counsel appearing on behalf of the parties, including the learned counsel appearing on behalf of the original petitioners, the learned Single Judge is requested to determine the maintainability of the subject writ petition, as also the question, whether this Court has subject matter and territorial jurisdiction in the present writ petition, as a preliminary issue before proceeding further with the merits of the subject writ petition.

8. No further directions are called for.

9. With the above direction, the present Letters Patent Appeal is disposed of. The pending application stands disposed of.

10. A copy of this judgment be provided electronically to learned counsel appearing on behalf of both the parties and be uploaded on the website of this Court forthwith.