

(2019) 09 DEL CK 0010

In the Delhi High Court

Case No : Civil Writ Petition No. 6391 Of 2019

Sachin Kumar & Ors

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 04-09-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Food Safety And Standards (Fortification Of Food) Regulation, 2018 — Rule 11(2)

Citation : (2019) 09 DEL CK 0010

Hon'ble Judges : A.K. Chawla, J

Bench : Single Bench

Advocate : Sumit Sharma, Jitesh Vikram Srivastava, Prajesh V.S., Mehmood Pracha, R.H.A. Sikander

Final Decision : Dismissed

Judgement

A.K. Chawla, J

1. By the instant petition preferred under Article 226 of the Constitution of India, the petitioners, seek to maintain challenge to the recruitment process initiated vide advertisement dated 26.03.2019, which provides weightage of 10% to the contractual employees.

2. At the onset, it would be pertinent to note that the petitioners had originally filed the petition extending challenge to Rule 11(2) of FSSAI Recruitment Regulations, 2018 in short, 'the Regulations, 2018' as also the recruitment process initiated vide advertisement dated 26.03.2019. In view of the fact that there was also a challenge to a Rule under the Regulations, 2018, the writ petition was earlier heard by the Division Bench and during the course of hearing, the petitioners dropped the challenge to the subject rule and the relief prayed in the petition was restricted to the challenge extended to the process of recruitment initiated vide advertisement dated 26.03.2019.

3. In the submissions of the learned counsel for the petitioners, the weightage in

selection process to the persons on contract in the services of the respondent, which is not to exceed 10% of the total score for the entire selection process, was unreasonable and could not be recognized under law and therefore the process initiated to fill any post vide advertisement dated 26.03.2019, was perverse and not sustainable.

4. The very submission of the learned counsel for the petitioners, is wholly misconceived on at least two counts. Firstly, any challenge extended to the subject rule of the Regulations, 2018, which provide for weightage, having been not in question, the ensuing process of recruitment vide advertisement dated 26.03.2019, cannot be faulted with. Secondly, weightage to be given to the persons on contract in the services of the respondents, as per the advertisement as per clause VI, is not to exceed 10% of the total score for the entire selection process and then, is also to be guided by the parameters laid for the purpose, as under:

"VI. All persons on contract in the services of the Authority on the date of notification of the Recruitment Regulations shall be eligible for weightage in selection process. The weightage shall be given on two parameters viz. number of years of service rendered in the Authority (30% weightage) plus performance Appraisal (70% weightage). The performance appraisal shall be done by a committee nominated by Appointing Authority. The weightage as above shall be added at the first level of selection as applicable to each post and the total combined weightage on account of both parameters (i.e. no. of years of relevant experience plus Performance Appraisal) should not exceed 10% of the total score for the entire selection process."

The forgoing weightage to be given to the persons on contract, in the considered view of the court cannot be said to be unreasonable and providing for unbridled exercise of discretion, assuming arbitrary, to give any undue favour to anyone.

5. For the forgoing reasons, there is no merit in the petition and the same is dismissed.