

(2017) 10 DEL CK 0477

In the Delhi High Court

Case No : Civil Writ Petition No. 8542 Of 2017

Union Of India & Anr

APPELLANT

Vs

Swati Srivastava

RESPONDENT

Date of Decision : 10-10-2017

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 14

Citation : (2017) 10 DEL CK 0477

Hon'ble Judges : Vipin Sanghi, J; Rekha Palli, J

Bench : Division Bench

Advocate : Ripu Daman Bhardwaj, R.R. Sinha, Jyoti Singh, Padma Kumar S, Sethu Ramalingam, Tinu Bajwa

Final Decision : Dismissed

Judgement

,,,,

Rekha Palli, J", ,,,,

1. The present writ petition assails the order dated 6th April, 2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A.", ,,,,

No.3809/2014 whereby the Tribunal had allowed the Original Application filed by the Respondent. The Respondent who is presently working as a ,,,,

Scientist â??Câ? in the Petitioner-Defence Research Development Organization (DRDO), had filed the aforesaid Original Application challenging the", ,,,,

order dated 10th October, 2014 whereby her appointment as Scientist â??Bâ?? made on 30th December, 2004, had been annulled.", ,,,,

2. An advertisement dated 27th March-2nd April, 2004 was issued by the Petitioner inviting application for various posts, including the post of Scientist", ,,,,

â??Bâ? in Biotechnology with 30th April, 2014 as the last date for submission of applications. The essential qualification for the post of Scientist", ,,,,

â??Bâ?? was 1st Class Bachelorâ??s Degree in Engineering or 1st Class Masterâ??s Degree in Science in the relevant subject. The Respondent, who at",,,,

that time was pursuing her M.Sc. in Environment Biology, applied for the post of Scientist â??Bâ? in Biotechnology Discipline on 23rd April, 2004. In",,,,

her Application, the Respondent indicated that she had already appeared for the final year examination of M.Sc in Environment Biology with",,,,

specialisation in Biotechnology, and her result was awaited." ,,,,

3. Based on her application, the Respondent was called for interview in September, 2004. When the Respondent appeared for the interview before a",,,,

six member Selection Committee, her final year M.Sc. result had already been declared. She accordingly submitted copies of various certificates and",,,,

degrees, including her provisional M.Sc. Degree, dissertation work in Biotechnology undertaken by her in the second year of M.Sc. and a certificate",,,,

of completion of Research Training in Biotechnology from Jawahar Lal Nehru Centre for Advanced Scientific Research, Bangalore. Pertinently, the",,,,

respondent was the 1st rank holder and Gold Medalist from Delhi University, who had also cleared the NET." ,,,,

4. The Respondent was selected to the post of Scientist â??Bâ? (Biotechnology) in the Petitioner-organisation and she joined the said post on 30th",,,,

December, 2004. Based on her performance, the Respondent was confirmed in the post of Scientist â??Bâ?, and subsequently promoted to the post",,,,

of Scientist â??Câ? on 1st July, 2009." ,,,,

5. After almost 10 years, the Petitioner issued a show cause notice dated 06.05.2014 to the Respondent, alleging therein that on scrutiny of her",,,,

Application it had been found that she was ineligible for appointment to the post of Scientist â??Bâ? (Bio-Technology), as she was not possessing the",,,,

minimum essential qualification and was pursuing M.Sc. (Environmental Biology). The Respondent was asked to show-cause as to why action should",,,,

not be initiated against her in terms of Department of Personnel and Training O.M dated 19.05.1993. The Respondent submitted her reply dated 15th",,,,

May, 2014, denying the allegations and demanded copies of some document so as to submit a detailed reply to the show-cause notice." ,,,,

6. Based on the Show-cause notice & its reply, vide its order dated 10th October, 2014, the Petitioner annulled the appointment of the Respondent to",,,,

the post of Scientist â??Bâ??.",,,,

Pertinently, no disciplinary proceedings were ever initiated against the Respondent and her appointment was annulled on the ground that she neither",,,,, possessed the M.Sc. Degree on the date of her application, nor she possessed specialisation in Bio-Technology. It was further alleged therein that she",,,,,

had been called for the interview due to manipulation of her father-Dr. Arun Kumar, the then Additional Director of Recruitment and Assessment",,,,,

Centre (RAC), DRDO, for which disciplinary proceedings under Rule 14 of the CCS(CCA) Rules, 1965 had already been initiated against him.",,,,,

7. Aggrieved by the order annulling her appointment after almost 10 years of blemishless service, the Respondent approached the Tribunal by way of",,,,,

the aforesaid Original Application. Before the Tribunal, the main pleas raised by the Respondent were as under:-",,,,,

i) The action of the Petitioner was contrary to the instructions of DoP&T contained OM dated 19.05.1993, which mandates initiation of disciplinary",,,,,

proceedings under Rule 14 of the CCS (CCA) Rules, 1965.",,,,,

ii) The principles of natural justice had been violated since her appointment had been annulled without any enquiry.,,,,,

iii) The action of the Petitioner was hit by the doctrine of estoppels inasmuch, as, the petitioner had selected her, confirmed her, and allowed her to",,,,,

work for almost 10 years during which she was granted promotion as well.,,,,,

iv) The documents sought by her from the Petitioner had not been made available to her, due to which she could not reply to the show-cause notice",,,,,

comprehensively.,,,,,

v) The annulment of her appointment after she had worked for about 10 years, had resulted in her becoming over-age for any further recruitment.",,,,,

8. The Petitioner herein, while opposing the OA, contended that the appointment of the Respondent-Applicant was void ab initio and illegal, as she did",,,,,

not have the mandatory qualification of either B.Tech. (Biotechnology) or M.Sc. (Biotechnology) which had been prescribed in the advertisement in",,,,,

question. The Petitioners had also contended that the Respondent was not holding even the M.Sc. Degree in Environmental Biology as on the closing",,,,,

date of the application, which was 30th April, 2004. In fact, the Petitioners had gone to the extent of stating that she had been called for interview only",,,,,

due to the manipulation by her father Dr.Arun Kumar, the then Additional Director in the RAC. The Respondent also contended before the Tribunal",,,,,

that the Petitioner-Organization had already constituted a high level Committee to enquire into the matter of appointment of the Respondent-Applicant,",,,,

and a departmental inquiry had also been initiated against the Respondent's father with regard to his role in the illegal appointment of the,,,,

Respondent-Applicant.

9. The Tribunal, after consideration of the respective contentions of the parties found that the Respondent had, admittedly, not concealed any fact and"

had furnished correct information in regard to her educational qualification in her application form. She had not only indicated that her M.Sc. degree,

was in Environmental Biology with specialization in Biotechnology but had also indicated in the application form that her result of the final year,

examination was still awaited. The Tribunal also noticed the fact that at the time of appearing for interview, her M.Sc. Final Year result had been"

declared by the Delhi University and she had secured the highest marks for which she was awarded a Gold Medal.

10. The Tribunal, however, did not go into the various grounds raised by the Respondent-Applicant, and vide its impugned order allowed the OA by"

accepting the Respondent's contention that, in any event, since she had become a permanent employee of DRDO, her services could not have been"

dispensed with, without holding an inquiry under Rule 14 of CCS (CCA) Rules, 1965. For this purpose, the Tribunal relied on the OM dated 19th May,

1993 and, accordingly, while quashing the order dated 10.10.2014, came to the conclusion that the Petitioners would be at liberty to conduct an"

appropriate inquiry against the Respondent in accordance with Rule 14 of the CCS (CCA) Rules, 1965."

11. The Tribunal, accordingly, vide its impugned order dated 6th April, 2017, allowed the OA only on a limited ground, and while directing the"

Petitioners to reinstate the Respondent in her earlier position of Scientist with all consequential benefits, granted liberty to them to conduct a"

regular inquiry against the Respondent under Rule 14 of the CCS (CCA) Rules, 1965 for the charges/allegations made against her and take"

appropriate action as per law.

12. Aggrieved by the order passed by the Tribunal, allowing the OA, the Petitioner-DRDO has preferred the present petition. It may be noted that"

when the present petition was listed for preliminary hearing on 26th September,

2017, the learned counsel for the Petitioners had sought time to seek" ,,,,
instructions and today when the matter has been heard, learned counsel submits
that he has instructions to proceed with the matter on merits. We" ,,,,
have accordingly proceeded to hear both parties, as the counsel for the
Respondent has appeared on caveat." ,,,,

13. The Petitioners while challenging the order passed by the Tribunal, contend
that the Respondent was not possessing the requisite qualification" ,,,,

prescribed in the advertisement and on this account, her appointment even
though made 10 years ago, was illegal and void ab initio. He strenuously" ,,,,

argues that the qualification of M.Sc. in Environmental Biology, which the
Respondent possessed, was not a part of the qualification prescribed for the" ,,,,

post of Scientist B (Bio-Technology) to which she was appointed. He contends
that this qualification of M.Sc. Environment Biology, with Bio-" ,,,,

Technology, was subsequently included in the prescribed qualifications only at the
behest of the respondent's father, who persuaded the concerned" ,,,,

Authority to include the qualification possessed by the Respondent as being valid
for appointment to the post of Scientist B. The plea of the" ,,,,

learned counsel before us, thus, is that even though the Respondent did not have
the requisite qualification, she was wrongly and illegally appointed to" ,,,,

the said post only because of the influence exercised by her father, who was then
the Additional Director in the RAC. Since the Respondent did not" ,,,,

possess the mandatory qualification prescribed in the advertisement, her
appointment was void ab initio. He, therefore, contends that the Petitioners" ,,,,

were fully justified in terminating her services without holding any inquiry. He
has placed reliance on a decision of the Supreme Court in the case of R. ,,,,

Vishwanatha Pillai Vs. State of Kerala & Ors. (2004) 2 SCC 105, to contend that
when appointment in service is acquired by relying on false" ,,,,

certificates, the said appointment is per se illegal and is, in fact, no appointment
in law and in such a situation, there is no requirement to hold an" ,,,,

inquiry. ,,,,

14. Per contra, Ms.Jyoti Singh, learned senior counsel appearing for the
Respondent on caveat, while supporting the impugned order passed by the" ,,,,

Tribunal, has placed before us note sheets relating to the subject advertisement
and the selection of the Respondent. She has also placed on record a" ,,,,

copy of the UPSC's advice dated 03.12.2015 given in respect of the enquiry

pertaining to the Respondent's father. Based on these documents, she",,,,,

submits that the Selection Committee appointed for making selections to the post in question i.e. Scientist -B (Biotechnology) comprised of six,,,,

independent members headed by Professor H.B. Singh, a retired professor of Delhi University. She submits that the Committee had examined her",,,,,

meritorious record and performance in the interview, and based on the same, selected the Respondent for appointment. She denied that the",,,,,

Respondent did not possess the requisite mandatory qualification, or that the qualifications for the post were changed after the advertisement under the",,,,,

influence of her father. She has also drawn our attention to the fact that she was a rank holder and gold medalist in Delhi University, who had also",,,,,

acquired the NET. By placing reliance on the UPSC's advice, she submits that even the UPSC had noted the fact that the Respondent was a",,,,,

meritorious candidate, who had been called for interview based on her own academic credentials, and there was no question of her father trying to",,,,,

manipulate the selection criteria. She contends that the UPSC had also noticed the fact that the Chairman and Director, RAC had taken full",,,,,

responsibility for setting the criteria. He had clarified in unambiguous terms, that the Respondent's father had no role in the decision to fix or change",,,,,

the selection criteria. Ms. Singh further submits that the Commission had also noted that the Respondent's father had duly intimated his immediate",,,,,

Supervisory Officer about his daughter applying for the recruitment in question and, accordingly, necessary measures had been taken to ensure that",,,,,

the Respondent's father was not at all involved in the Selection Process. Ms. Singh further submits that the entire action of the Petitioners was mala",,,,,

fide and vindictive, and the Petitioner had annulled the Respondent's appointment after ten years of blemishless service, without even properly",,,,,

examining the Recruitment Rules. No adverse report on the basis of lack of competence or knowledge in the relevant field had ever been",,,,,

communicated to her, and she had been regularly promoted as Scientist -B. ".,,,,,

15. Ms. Singh further submits that despite there being no denial to the fact that she had submitted full and correct information about her qualification-,,,,

both at the time of her application and in the interview, the Tribunal has erroneously granted liberty to the Petitioner to proceed against the Respondent",,,,,

under Rule 14 of CCS (CCA) Rules, 1965. Her contention, thus, is that when there is, admittedly, no misconduct on her part, there was no justification",,,,

for granting liberty to the Petitioner to initiate major penalty proceedings against her. She, thus, prays that the order of the Tribunal in so far as it grants",,,,

liberty to the Petitioner to initiate disciplinary proceedings against the Respondent, may be set aside.",,,,

16. We have considered the rival submissions for the parties and with their assistance, perused the record.",,,,

17. The first and foremost undisputed fact which emerges from the record is, that when the Respondent submitted her application for the post of",,,,

Scientist â??Bâ?, she clearly stated that she had appeared in the Final Year Exam of M.Sc (Environment Biology) and was awaiting the results.",,,,

Based on this information she was called for interview on 30th August, 2004. It is also an undisputed position that when she appeared before the",,,,

Interview Board, she was holding M.Sc. degree in Environmental Biology with specialization in Biotechnology. What, thus, emerges is that the",,,,

Respondent had clearly disclosed in her application form itself that she had appeared in the Final Year Exam of M.Sc. Degree in Environmental",,,,

Biology. She had neither claimed that she was holding the qualification of B.Tech. (Biotechnology), nor M.Sc. (Biotechnology), nor had she produced",,,,

any fake certificate. She was called for the interview and selected by a six member Committee based on her qualifications; performance in the",,,,

interview, and; the certificates produced by her during the interview.",,,,

18. Learned counsel for the Petitioners has not been able to deny any of these facts, and his only response thereto is that the qualification of",,,,

Environmental Biology possessed by the Respondent was not included in the advertisement, but was subsequently included, pursuant to a clarification",,,,

given by Dr. P.K Banerjee, Director, Defence Institute of Physiology and Allied Science (DIPAS). He contends that the said clarification was",,,,

obtained by the Respondentâ??s father from the Director, DIPAS by exercising his influence.",,,,

19. We find absolutely no merit in this bald statement of the learned counsel for the Petitioner. There is no statement of, or communication from Dr.",,,,

P.K Banerjee, to the effect that he had been contacted by the Respondentâ??s father, or that he had given a false clarification under the influence of",,,,

the respondent's father. Even otherwise, we find it difficult to believe that a senior officer like Dr. P.K Banerjee would give such a material",,,,

clarification falsely, merely at the asking of an Additional Director, RAC, DRDO. The Petitioner-apart from making a bald assertion that the",,,,

qualification of the Respondent was not appropriate for the post in question, has not even cared to detail as to what is the content of the qualifications",,,,

prescribed in the advertisement; what was the content of the qualification of the Respondent; how it fell short of the requirement, particularly, in the",,,,

face of the job requirement of a Scientist in the Petitioner DRDO. There is nothing to show that the respondent was so short of qualification",,,,

that she was not in a position to discharge the responsibilities of Scientist in DRDO. Surely, the Petitioner having regularly promoted the",,,,

respondent as Scientist, has no face to even advance such a submission. It appears, that the Petitioner has proceeded with a premeditated",,,,

mind, that the respondent's father had manipulated to get the respondent selected and employed, and without such manipulation she would not have",,,,

being called for interview, or selected. The Petitioner may have good reason to take disciplinary action against the respondent's father. But that does",,,,

not mean that the Respondent should also face the heat, when there appears to be no basis to claim that she was favoured on account of the influence",,,,

of her father. We enquired from learned counsel for the Petitioner whether any statements of the six members of the selection Committee which",,,,

Minimum educational and other qualifications, experience and age limit for direct recruitment to

various Group post included in the Defence Research and Development Service.",,,,

Educational and other qualifications and experience for direct recruits",,,,

SI. No. (1),Name of Post (2),"For posts requiring

qualification in

Scientific or

Engineering or

Technical Subjects.

(3),"For posts requiring

medical

qualifications. (4)", Age Limit. (5)

1., Scientist "B", "Essential At least

First Class

Master's

Degree in Science

subjects,

Mathematics or

Psychology or First

Class Degree in

Engineering or

Technology or

Metallurgy from a

recognised

University or

equivalent.

Desirable

Knowledge of

German, French,

Russian, Japanese

or Chinese.", "Essential

(i) A medical

qualification

included in the first

schedule or the

Second Schedule

or Part II of the

Third Schedule to

the Indian Medical

Council Act, 1956

(102 of 1956).

Holders of Medical
qualifications
included in Part II
of the said Third
Schedule should
also fulfil the
conditions

specified in
subsection(3) of
section 13 of the
said Act. ***or A

Dental
Qualification in the
Part I, Part II or
Part III of the
Schedule to the
Dentists Act, 1948
(16 of 1948)

* * * * o r A

Bachelor?s Degree
in Veterinary
Science and Animal
Husbandry (B.V.
Sc. And A.H.) duly
recognised by
Veterinary Council
of India.

(ii) Completion of
compulsory
rotating internship", "Not exceeding 28

years (Relaxable
upto 5 years for
Government
servants in
accordance with
the instructions
and orders issued
by the Central
Government from
time to time in this
regard.)

submission. Firstly, the Petitioner contemporaneously considered the issue and concluded on the basis of expert opinion that the respondent had the",,,, qualifications as advertised. To have a change of mind after nearly ten years of the respondent's employment is not permissible. Secondly, the",,,, Respondent fulfils the qualifications prescribed in the recruitment Rules, which bind the parties. Thus, it cannot be claimed that she did not fulfill the",,,, qualifications for the posts. The Selection Committee was enjoined to make selections only after examining whether the candidate fulfils the",,,, prescribed qualifications in the Recruitment Rules. Once the six member Selection Committee chaired by an independent professor from the Delhi",,,, University, against none of whom any aspersions have been cast by the Petitioners, has selected the Respondent, we see absolutely no reason to",,,, believe that this Selection Committee would have selected the Respondent by ignoring the mandatory qualifications. The action of the Petitioner also",,,, ignores the well settled legal position that the selection made by a validly constituted Selection Committee should not be lightly interfered with. In this",,,, regard, we deem it appropriate to refer to the decision of the Supreme Court in the case of U.V. Mahadkar v. Subhash Anand Chavan & Ors. with",,,, Maharashtra Council of Agricultural Education and Research, Pune v. Subhash Anand Chavan & Ors. (2016) 1 SCC 536, wherein the Supreme",,,, Court observed:-",,,,

â??8. At the very outset, we are of the view that in the matter of selection and

promotion to the higher post, if a Committee of experts is" ,,,,
constituted then normally, the Court should not interfere in such decision unless mala fides are attributed or allegations of arbitrariness are" ,,,,
proved. ,,,,

17. After giving our anxious consideration in the matter, we are of the definite opinion that the High Court should not have entered into the" ,,,,

arena of the experts and to reassess the merit of the candidates when it is finally decided by a duly constituted Committee of experts in the ,,,,

same field.â?? ,,,,

22. In these circumstances, it appears to us that merely because the Respondentâ??s father was Additional Director of RAC, DRDO, the Petitioners" ,,,,

have presumed that he had manipulated her shortlisting for the interview, as well as her selection by the Committee. The Petitioners are unable to" ,,,,

point out as to why the qualifications which the Respondent holds, and which the Selection Committee found to be sufficient, are not in accordance" ,,,,

with the Recruitment Rules. There is no explanation by the Petitioner as to why Dr. P.K. Banerjee, Director, Defence Institute of Physiology and" ,,,,

Allied Science (DIPAS), would include the degree of M.Sc. in Environmental Biology, with Biotechnology, as an essential and eligible qualification for" ,,,,

appointment to post of Scientist â??Bâ? in Biotechnology, if the same was not in consonance with the RRs. Learned counsel for the Petitioners" ,,,,

admits that neither any clarification has been taken from him, nor any action has been initiated against the aforesaid Dr. P.K. Banerjee who had" ,,,,

admittedly, given the list of specified degrees which were to be considered as fulfilling the eligibility criteria prescribed in the Rules for the post in" ,,,,

question. No action has been taken against any of the six members of the Selection Committee which selected the respondent, either." ,,,,

23. From a perusal of the Advice given by the UPSC, we are convinced that the entire action against the Respondent appears to be motivated, and" ,,,,

taken merely on the basis of a complaint made by one Dr. Neelam Bhalla. Pertinently, the Commission itself had found that there was an apparent" ,,,,

malicious and vindictive dimension to the case vis-a-vis the Complainant. We are disturbed to see how the Petitioners, by ignoring the high merit of the" ,,,,

Respondent, as well as the fact that she is duly fulfilling the eligibility criteria, have undertaken an entirely premeditated and biased exercise, by" ,,,,

declaring that she had obtained the appointment by manipulation. In our view, the Petitioners have, without any basis, come to a wholly unwarranted" ,,,,

conclusion that the Respondent did not fulfil the requisite qualification. In our view, the plain reading of the Recruitment Rules, especially when seen in" ,,,,

the light of the clarification given by Dr.P.K. Banerjee, shows that the Respondent was holding the requisite qualification. In fact, the minutes of the" ,,,,

Selection Committee produced before us, also shows that she was way ahead in terms of merit viz a viz the other candidates, who were competing for" ,,,,

the post. The very fact that the Respondent is a gold medallist in M.Sc. from Delhi University, also shows that there could be no doubt about her" ,,,,

merit. We find no reason as to how the Respondent's appointment can, in any manner, be termed as illegal and void ab initio." ,,,,

24. We also find no merit in the plea of the Petitioner that merely because the result of her final year M.Sc. Exam was declared after the last date for ,,,,

the submitting applications, it is evident that she was ineligible for the post. Having examined the Advertisement, we find that there was a specific" ,,,,

prescription qua only the age limit, which had to be seen as on the closing date of the advertisement, which was 30.04.2004. There was, however, no" ,,,,

such requirement in respect of the qualification and once the Respondent had already appeared for the final exams, when she filled the application" ,,,,

form and had already obtained the degree when she appeared before the Selection Committee, we see absolutely no reason to hold that the" ,,,,

Respondent was not holding the requisite qualification at the time of her selection or appointment. Nothing prevented the Petitioner to" ,,,,

contemporaneously, to take this stand. None did. Now to raise the issue after ten years is completely unjustified." ,,,,

25. We have also considered the decision of the Supreme Court in the case of Vishwanatha Pillai (Supra) on which reliance has been made by the ,,,,

learned counsel for the Petitioner. In the said case, appointment had been obtained by furnishing fake certificates and in these circumstances, the" ,,,,

Supreme Court had held that where an appointment in a service is acquired by practicing fraud or deceit, such an appointment is no appointment in" ,,,,

law. In the present case, there is not even any allegation of the Respondent furnishing any false certificates, or obtaining selection by deceit or fraud." ,,,,

Therefore, this decision does not advance the case of the Petitioner, in any manner." ,,,,

26. Though the Respondent has not yet challenged the order of the Tribunal, granting liberty to the Petitioners to conduct a regular inquiry against her",,,,,

under Rule 14 of the CCS (CCA) Rules, 1965, the respondent has taken this opportunity to urge that there is no misconduct committed by her, in",,,,,

respect whereof an enquiry may be held. Since we are considering the impugned order of the Tribunal in its entirety, we have examined this aspect",,,,,

also on the request of Ms.Jyoti Singh, learned senior counsel on behalf of the Respondent on caveat.",,,,,

27. From the facts as noted hereinabove, we find that the Respondent had submitted all her requisite certificates and had neither concealed anything at",,,,,

any stage, nor made any misrepresentation at any point of time and, therefore, we fail to understand as to how, at this stage, she could be even alleged",,,,,

to have committed any misconduct, at the time of her appointment in 2004.",,,,,

28. In these circumstances, we see no justification in permitting the Petitioners to initiate departmental inquiry against the Respondent at this stage, on",,,,,

a wholly misconceived charge, that the Respondent's appointment was violative of the Rules or that she was called for interview due to the alleged",,,,,

manipulation under the influence of her father.,,,,,

29. We are informed that a departmental inquiry against the Respondent's father is pending, including on the charge of his manipulating the",,,,,

respondent's selection and appointment. If some clear and clinching evidence to support the said charge were to emerge, there may still be some",,,,,

justification to initiate action against the Respondent. But unless that happens " at this stage, there can be no justification to start an enquiry merely",,,,,

as a witch hunt.,,,,,

30. We are also constrained to observe that the Petitioners, instead of examining the matter with a fair and independent mind, have tried to tarnish the",,,,,

image of a bright young Scientist merely because she happened to be the daughter of a Scientist, who was also posted in the DRDO at the time when",,,,,

she applied for the post. We are of the view that once no allegation of any kind has been levelled by the Petitioners against the Members of the",,,,,

Selection Committee, or against Dr.P.K. Banerjee, there was no justification at all on the part of the Petitioners to pass the order of annulment, or to",,,,,

initiate any kind of action against the Respondent on this ground.,,,,,

31. In our view, once the Tribunal itself came to conclusion that the action of the

Petitioners in annulling the appointment of the Respondent smacked",,,,,
of arbitrary and vindictive attitude, the undisputed facts clearly showed that
there was neither any misrepresentation, nor any concealment on the part",,,,,
of the Respondent, she could not be held to have committed any misconduct. In
the light of these facts, the grant of liberty to the Petitioners to",,,,,
conduct a regular inquiry against the Respondent on the same allegations on
which her appointment had been illegally annulled, was in our view,",,,,
wholly unwarranted, particularly at this stage when no clinching evidence of the
alleged manipulation by her father is available.",,,,
32. In these circumstances, we set aside the direction of the Tribunal granting
liberty to the Petitioners to, at this stage, conduct regular inquiry against",,,,,
the Respondent while upholding the remaining order.,,,,,
33. The present writ petition being wholly misconceived, is dismissed with costs
of Rs.50,000/-. 50% of the costs be given to the Respondent and the",,,,,
balance 50% be paid to the Delhi Legal Services Authority within four weeks.,,,,,
CM No.35131/2017 (for stay),,,,,
34. In view of the writ petition having been dismissed, this application does not
survive for adjudication and is dismissed as such.",,,,