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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1720/2022**

VIVEK CHAUDHARY

..... Petitioner

Through : Mr.Narender Hooda, Senior Advocate
with Ms.Pallavi Hooda, Ms.Paulumi
Sen, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr.Sushil Kumar Pandey, Senior
Panel Counsel with Mr.Sahaj Garge,
Ms.Richa Pandey, Mr.Kuldeep Singh
Advocates for R-1/UOI.
Mr.Rajesh Kumar Gautam, Advocate
for R2.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

28.01.2022

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1. The hearing has been conducted through Video Conferencing.

CM APPL. 4991/2022

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

W.P.(C) 1720/2022

4. This Writ Petition is filed with the following prayers:

“A writ of certiorari calling for the records from the official respondents with regard to the impugned order/result notification dated May/June 2019 and after the perusal of the same issue an appropriate writ for quashing the selection of the private respondents vide impugned notification dated May/June 2019 and/or direct the appointment of the petitioner on the post of Chief Manager Circle (Sales);”

5. It is submitted by the learned senior counsel for the petitioner nine candidates were selected for the post of Chief Manager Circle (Sales) by the respondent no.2 on the basis of advertisement annexed as Annexure-P1 and the criteria for selection was clearing the written test with minimum of 85.25% marks and securing minimum 50% marks in the interview.



6. Further it was argued the incorrect procedure was adopted to set an interview eligibility criterion of 14 times the number of vacancies after the respondent no.2 had held the examination, which was in fact contrary to the past practice of having a criteria of 5 times the number of vacancies.

7. It is further submitted the petitioner herein had got more marks than various candidates selected by respondent no.2 as per the list annexed at pages no.31-33 of this petition.

8. He has also submitted because of these discrepancies a vigilance enquiry has also been initiated against respondent no.2 and in respect thereof he has filed a document annexed at page 103 of this petition.

9. It is submitted changes were made in the rules after conducting the examination to suit certain candidates, who have since been selected and that out of nine selected candidates seven does not qualify the criteria given in the advertisement.

10. The learned counsel for respondent no.1 as also respondent no.2 appears on advance notice and submits the advertisement itself declared the selection is to be made purely on the basis of interview and that enlarging the scope of interview eligibility criterion from 5 times to 14 times is permissible and that there is nothing illegal in the same.

11. Issue notice, to respondent nos.4 to 8 through respondent no.2 returnable on 10.05.2022.

12. It was further submitted by the respondent no.2 the petition is bad for laches as the petitioner has filed this petition with a delay of two and half years.

YOGESH KHANNA, J.

JANUARY 28, 2022/DU