

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 2438 OF 2010

JOGINDER KUMAR Appellant (s)

VERSUS

DELHI SUBORDINATE SERVICES SELECTION BOARD Respondent(s)

(With appln(s) for c/delay and prayer for interim relief and office report)

Date: 24/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s) Mr. Mahabir Singh, Sr. Adv.
Mr. Rakesh Dahiya, Adv.
Mr. Nikhil Jain, Adv.
Mr. Gagan Deep Sharma, Adv.
Mr. Preeti Singh, Adv.

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. B.V. Balram Das, Adv.
Mrs. Anil Katiyar, Adv.

UPON hearing counsel the Court made the following
O R D E R

In terms of the signed order, the appeal
is dismissed.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2438 OF 2010

JOGINDER KUMAR ... Appellant

VERSUS

DELHI SUBORDINATE SERVICES ...
SELECTION BOARD Respondent

O R D E R

This appeal has been preferred against the
impugned judgment and order dated 19.5.2009 passed by the
High Court of Delhi at New Delhi in L.P.A.No.238/2009 by

which it has affirmed the judgment and order dated 17.4.2009 of learned Single Judge passed in Writ Petition(Civil) No.8242/2009.

The grievance of the appellant had been that in spite of the fact that 12 vacancies were advertised for the post of Sanskrit Teacher by the respondent and the appellant had done very fairly in the selection and secured a very good position he had been denied the appointment.

In fact, the vacancies were advertised on 4.10.2003 and the examination for the same was held on 29.2.2004. Subsequently, appellant could not know anything about the result. As per the documents on record, only 2 vacancies could be filled and a large number of candidates whose name had initially been included in the list of successful candidates, were removed from the list on the ground that they belonged to the reserved category (OBC) but they were not residents of Delhi State.

The appellant made inquiries under the Right to Information Act at a belated stage and approached the High Court by filing the writ petition only in the year 2009. The learned Single Judge as well as the Division Bench of the High Court has dismissed the case of the appellant only on the ground of delay and laches without entertaining the case on merit.

Mr. Wasim A. Qadri, learned counsel appearing for the respondent Board has pointed out that subsequent to the selection in question, three selections have already been held and the unfilled vacancies of the advertisement of 2003 stood re-advertised and even filled up.

In view of the above, no relief can be granted to the appellant at such a belated stage. The appeal lacks merit and is accordingly dismissed.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(DIPAK MISRA)

New Delhi,
May 24, 2012