

\$~16 (2021)

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

+ **W.P.(C) 9671/2021, CM APPLs. 29845-46/2021**

DISHANK DHAWAN Petitioner
Through: Mr. Anuj Aggarwal, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD (services) with
Mrs. Tania Ahlawat, Mr. Nitesh
Kumar Singh and Ms. Palak
Rohemetra, Advocates.
Mr. Naresh Kaushik, Advocate for
UPSC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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06.09.2021

[PHYSICAL COURT HEARING]

CM APPL. 29847/2021

1. Allowed, subject to just exceptions.

W.P.(C) 9671/2021

CM APPL. 29845/2021 [*Application filed on behalf of the petitioner seeking interim relief*]

CM APPL. 29846/2021 [*Application filed on behalf of the petitioner to take additional documents on record*]

2. The petitioner, who has been working, on contractual basis, on the subject post, is aggrieved by the fact that, he is not being given age relaxation *qua* the selection process triggered for regular appointment by the respondents for the said post.

3. Mr. Anuj Aggarwal, who appears for the petitioner, says that, the examination for regular appointment *qua* vacancies against the subject post i.e., Assistant Public Prosecutor (APP) is slated to be held, on 19.09.2021.

3.1. We are told that, the issue, which arises for consideration in the instant matter, has arisen in other matters also, including W.P.(C.) 9378/2021. We are also told, that notice has been issued in the said petition, and an interim order has also been passed.

3.2. This position is not disputed by Mrs. Avnish Ahlawat, who appears on advance notice on behalf of respondents nos.1 and 2 and Mr. Naresh Kaushik, who appears on advance notice on behalf of respondent no.3/UPSC.

4. Accordingly, issue notice.

4.1. Ms. Ahlawat accepts notice on behalf of respondent nos.1 and 2, while Mr. Kaushik accepts notice on behalf of respondent no.3/UPSC.

4.2. Counter-affidavit(s) will be filed within 6 weeks from today. Rejoinder(s) thereto, if any, will be filed before the next date of hearing.

5. In the meanwhile, the petitioner will be permitted to appear in the examination [which is referred to hereinabove], *albeit*, on provisional basis subject to the final outcome in the writ petition.

5.1. It is made clear that, in case, the petitioner was to fail in the writ petition, he would not be permitted to claim any equity merely on account of the fact that he has been allowed to take the examination.

6. List the matter on 06.12.2021.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 6, 2021/pa

Click here to check corrigendum, if any