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

+ W.P.(C) 7817/2022 & CM APPL. 23913/2022

MEENAKSHI LAMB

..... Petitioner

Through: Mr. Satvinder Singh and Mr. Robin  
Bansal, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Harish V. Shankar, Mr. Srish  
Kumar Mishra, Mr. Sagar Mehlawat,  
Advs. for R-1 and R-2.

**CORAM:**

**HON'BLE MR. JUSTICE YASHWANT VARMA**

**ORDER**

**20.05.2022**

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1. This writ petition has been preferred seeking the following reliefs:-

“(A) Issue a writ, order or direction in the nature of certiorari quashing the Communication/order bearing NO.F.1(58)/RELIEF/MISC./ WEST / PART/2021/5883-5884 dated 24.02.2022 issued by Section Officer (Relief) of respondent no. 3.

(B) Issue a writ, order or direction in the nature of mandamus directing the Respondents to consider the claim of the Petitioner for employment in accordance with the Notification No.U 13018/46/2005 dated 16.01.2006 issued by the Respondent No.2 and, further direction be issued to the Respondents to consider the claim of the Petitioner in parity with the directions contained in the order dated 27.11.2019 passed in WP (C) no. 11652/2018 titled as "Delhi Sikh Gurudwara Management Committee Vs. Union of India & Ors."

2. The petitioner is essentially aggrieved by the communication of 24 February 2022 in terms of which a claim for appointment with the respondents has come to be negated with the competent authority noting that presently since no special recruitment drive has been initiated, the

petitioner cannot be offered appointment.

3. It becomes pertinent to note that the petitioner had sought consideration of her appointment under the respondents in terms of the Circular dated 16 January 2006 which spelt out a rehabilitation package as formulated to provide relief to the victims of the 1984 riots. Amongst the various measures which were adopted, one was to provide “*preference*” in recruitment to children and family members of those who had died in those riots. It is in the aforesaid backdrop that learned counsel for the petitioner contends that the respondents have clearly acted illegal in failing to offer appointment to the petitioner. Learned counsel has also placed reliance upon the order passed by the Division Bench of the Court in W.P.(C) 11652/2018 to contend that the denial of appointment is wholly arbitrary and the impugned order is consequentially liable to be set aside.

4. The Court notes that as per the terms of rehabilitation as spelt out in the Circular, one of the measures adopted was to provide “*preference*” to the family members of riot victims at the time of appointment. As this Court reads that Circular, it fails to construe or interpret the same as placing the respondents under an obligation to necessarily appoint children and family members of those who had succumbed during those riots. The policy essentially places the respondents under an obligation to accord preference to the victims during the course of any appointment exercise which may be undertaken. That obligation continues to bind the respondents even today.

5. However, the impugned order notes that the last special recruitment drive was initiated way back in 2006. It is the case of the respondents that since no recruitment exercise has presently been initiated, it is not possible to offer appointment to the petitioner. The Court notes that since presently

no appointment exercise has been initiated, the petitioner cannot claim an indefeasible right to be appointed under the respondents. In any case and as has been noted above, the policy itself only envisaged a preference being extended to eligible applicants in any recruitment exercise that may be undertaken. The Court finds itself unable to read that provision of the policy as mandatorily requiring the respondents to appoint the petitioner.

6. Accordingly, while the Court finds itself unable to grant the reliefs as prayed for, this writ petition along with pending application shall stand disposed of with the observation that as and when any recruitment exercise is undertaken or initiated by the respondents and the petitioner does apply in terms thereof and is otherwise found to be eligible, they would be bound to consider her candidature bearing in mind the provisions made in the Circular of 16 January 2006.

**MAY 20, 2022***/neha*

**YASHWANT VARMA, J.**