



\$~56

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

+ W.P.(C) 1815/2025 & CM APPL. 8698-99/2025

ADITYA & ORS.

.....Petitioners

Through: Mr. Sudhir Naagar, Mr. Piyush Aggarwal and Mr. Manohar Naagar, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Arun Birbal and Mr. Sanjay Singh, Advocates for DDA.

Date of decision: 20th February, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J : (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India impugning the judgment dated 08.03.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereafter the *CAT*) in O.A. No. 2492/2022 titled as '*Aditya & Ors vs DDA & Ors*', whereby the learned *CAT* had dismissed the underlying O.A. holding that the respondent-DDA was within its right and authority to choose Graduate Aptitude Test in Engineering (GATE) Examination score, 2021 as a method of recruitment to the various posts of Assistant Executive Engineer (AEE) (Civil) issued *vide* Vacancy Circular dated 09.07.2022, as one of the methodologies in terms of the relevant Recruitment Rules of the respondent-DDA.



2. At the outset, on a perusal of records filed with the present petition, it is apparent that the present petition has been filed after a lapse of 340 days from the passing of the impugned judgment by the learned CAT. On a closer scrutiny, it is also revealed that the present petition has been filed without an application seeking condonation of delay or even a single averment in the petition itself, explaining the delay occurred in filing the present petition.

3. On a query by this Court to that effect, learned counsel for the petitioners has been unable to substantiate the delay so occurred with cogent and sufficient grounds. However, he submits that there is no limitation prescribed for filing of a writ petition. Moreover, he further submits that the persons so selected, in pursuance of the aforementioned advertisement, were directed to be subject to the outcome of the underlying OA. Thus, he submits that filing of the present petition is continuation of the unresolved dispute between the parties.

4. It is trite that for a petition under Article 226/227 of the Constitution of India, there is no period of limitation prescribed, however, it is significant that the same should be filed within a reasonable time. The construction of what would constitute “reasonable time” would have to be examined in the facts arising in a particular case and cannot be applied across board. It would be worthwhile to reproduce the authoritative procurement of the Supreme Court in ***State of M.P vs. Nandlal Jaiswal***; (1986) 4 SCC 566 and para 24 of the said judgement is reproduced hereinbelow:-

“24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or



delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction...”

In the present case we have been informed that the candidates selected in pursuance of the said vacancy circular, have now been working with the department for the past one year and any interference by this Court would be unjust, unfair and would work to the detriment of those candidates. The petitioners have been negligent, callous and lackadaisical in approaching this Court resulting in a vested right upon the selected candidates. On account of such delay, the rights of the selected candidates, already working for a year which have been crystallized and settled cannot be jeopardised. Any interdiction, at this stage, would, *ex facie*, cause grave prejudice to those candidates.

5. Apart from this, even on merits, we find that the submission of the learned counsel for the petitioners that the eligibility criteria for participating in the selection procedure was restricted to those candidates alone who had cleared the GATE was contrary to the recruitment rule prescribed for the post of AEE (Civil), was never urged before the learned CAT. In other words, before the learned CAT, which is the Court of first instance, this argument was never placed for consideration. All that has been argued before this Court was that the respondent DDA could not have prescribed the entitlement only to those candidates who had cleared the GATE, 2021.



Learned counsel for the petitioners also could not substantiate the query in respect of the aforesaid issue. Since this ground was never taken specifically before the learned CAT we do not find any reasons much less cogent reasons to entertain the present writ petition.

6. In view of the above, the present petition is dismissed alongwith pending applications.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 20, 2025/rl