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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18339/2025, CM APPL. 75923/2025 & CM APPL. 75924/2025

MOILUNLALPetitioner

Through: Mr. R Jude Rohit, Advocate

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Rishabh Sahu, SPC with
Mr. Sameer Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **09.12.2025**

C.HARI SHANKAR, J

1. This writ petition assails the decision of the respondents to board the petitioner out of service on the ground that he was HIV positive.

2. Mr. Rishabh Sahu, learned SPC for the respondents, very fairly submits that the controversy is identical to that which was before this Court in WP (C) 4556/2023, which was one of a batch of writ petitions decided by the judgment reported as *Hoshiar Singh v. Union of India and Ors*¹ by a Co-ordinate Bench.

3. Accordingly, following the said decision, the orders dated 25 March 2025 and 20 May 2025 which terminated the petitioner's

¹ 2025 SCC OnLine Del 1987



2025:DHC:11145-DB



services on the ground that he was HIV positive stand quashed and set aside.

4. The petitioner shall stand reinstated in service with effect from 25 March 2025 with all consequential benefits except back wages. He shall be entitled to continuity of service, seniority as well as pay fixation, treating him as having been in service throughout without ever having been terminated from service.

5. The writ petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 9, 2025/rjd