



2025:DHC:3286-DB



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

+ W.P.(C) 5767/2025

RAJNIKANT

.....Petitioner

Through: Ms. Sahila Lamba and Mr.
Mukul Kumar Sinha, Advocates

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Nidhi Raman CGSC With
Arnav Mittal GP and Mr. Akash Mishra,
Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT(ORAL)

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02.05.2025

C. HARI SHANKAR, J.

1. The petitioner, in this writ petition, seeks diversion of unfilled direct recruit vacancies of the post of Assistant Commandant (Engineer) in the Sashastra Seema Bal, to the promotion quota. Ms. Sahila Lamba, learned counsel for the petitioner, submits that these vacancies have been lying unfilled for almost ten years and therefore, no public interest is served by keeping them unfilled.

2. She has placed reliance on a judgment dated 31 August 2020 passed by a Coordinate Bench of this Court in WP (C) 5810/2020¹.

¹ Kulwant Rai Sharma v UOI



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3. To the submissions of Ms. Lamba, Ms. Nidhi Raman, learned CGSC had submitted that the decision in *Kulwant Rai Sharma* was distinguishable as in that case the diversion was from IPS and Ex. Army cadre to the BSF cadre.
4. We do not express any opinion on whether it constitute a legitimate basis for distinction.
5. We deem it appropriate to dispose of this writ petition with a direction to the respondents to treat the writ petition as a representation and pass a reasoned and speaking order thereon, within a period of six weeks from today and communicate the decision to the petitioner as well as to the learned counsel for the petitioner.
6. Needless to say, if the petitioner continues to remain aggrieved by the said decision, the petitioner's right in that regard would remain preserved.
7. The petition is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 2, 2025/yg

Click here to check corrigendum, if any