

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).41779/2023

(Arising out of impugned final judgment and order dated 22-11-2022 in WPC No.4301/2017, 14-02-2023 in RP No.46/2023 passed by the High Court Of Delhi At New Delhi)

PRATAP SINGH BIST

Petitioner(s)

VERSUS

THE DIRECTOR, DIRECTORATE OF EDUCATION,
GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(IA No.218856/2023-CONDONATION OF DELAY IN FILING)

Date : 03-11-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Dr Krishan Mahajan, Adv.
Mr. Samant Singh, Adv.
Ms. Shefali Jain, Adv.
Mr. Rajeev Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Heard learned counsel for the petitioner at a considerable length.
3. The Division Bench of the High Court Delhi vide impugned order dated 22.11.2022 followed by the order passed in Review Petition dated 14.02.2023, has declined to interfere with the selection and appointments made in the year 2008 under the Directorate of Education, New Delhi. The above-stated appointments were challenged by the petitioner purportedly in public interest by way of a writ petition instituted in the year 2017. The High Court, on

consideration of the affidavit filed by the official respondents, has come to a categorical conclusion that the private respondents possessed the requisite qualification and all of them were eligible for the offered posts at the time of their appointment.

4. In this view of the matter and having regard to the fact that the respondent nos.5 to 17 have already served for almost 15 years, we are not inclined to entertain these special leave petitions against their selection or appointment. However, the second reason assigned by the High Court, namely, that "PIL is not at all maintainable in service matters" in view of the decision of this Court in Dr. Duryodhan Sahu and Others vs. Jintendra Kumar Mishra and Others, (1998) 7 SCC 273, is a debatable issue and the said question of law is kept open, to be gone into an appropriate case.

5. With these observations, the special leave petitions are dismissed.

6. All pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)