

**Hitender vs.union of India and Ors**

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**SooperKanoon Citation :** [sooperkanoon.com/1211171](http://sooperkanoon.com/1211171)

**Court :** Delhi

**Decided On :** Dec-06-2017

**Appellant :** Hitender

**Respondent :** Union of India and Ors

**Judgement :**

\* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: December 06, 2017 (15) + W.P.(C) 7202/2017 (16) + W.P.(C) 7213/2017 (17) + W.P.(C) 7220/2017 (18) + W.P.(C) 7536/2017 & CM APPL. 31094/2017 HITENDER AJAY KUMAR VIKRANT NISHANT & ORS .....Petitioners Through: Mr. Rahul Sinha and Mr. Nitin K. Gupta, Advocates Mr. Nishant Shokeen, Advocate (W.P.(C) 7536/2017) versus UNION OF INDIA AND ORS .....Respondents Through: Mr. Arun Bhardwaj, CGSC for respondent-UOI Mr. Manoj, Standing Counsel and Ms. Aparna Singh, Advocate for respondent-FCI Mr. Ruchir Mishra, Mr. Mukesh Kumar Tiwari and Mr. Abhishek Rana, Advocate with Mr. S.C. Kashyap, Under Secretary for respondent- SSC (in W.P.(C) 7536/2017) CORAM: HON'BLE MR. JUSTICE SUNIL GAUR W.P.(C) 7202/2017 & connected matters Page 1 of 3 ORDER (ORAL) 1. With the consent of learned counsel for the parties, the above-captioned four petitions are taken up together for hearing and are being disposed of by this common order.

2. In above-captioned four petitions, the challenge is to impugned Show-cause Notices (Annexure P-1) [Annexure P-1 colly. in W.P.(C) 7536/2017].., which have been issued to petitioners on account of their adopting unfair means in Food

Corporation of India Examination, 2012 i.e. combined recruitment for Assistant Grade-III, in General, Depot, Technical and Accounts Cadres and Hindi Posts (AG-II).

3. Learned counsel for petitioners submits that impugned Show-cause Notices have been duly replied and respondent-Staff Selection Commission is required to withdraw these Show-cause Notices in view of this Courts Division Bench decision in Staff Selection Commissioner & Anr. v. Sudesh 2014 SCC OnLine Del 7534, which has been affirmed by Supreme Court in its decision of 19th July, 2017 in Civil Appeal No(s). 2836-2838/2017 titled Staff Selection Commission, Thr. its Chairman & Anr. v. Sudesh.

4. In the facts and circumstances of this case, these petitions are disposed of with direction to respondent-Staff Selection Commission to withdraw impugned Show-cause Notices in light of this Courts Division W.P.(C) 7202/2017 & connected matters Page 2 of 3 Bench decision in Sudesh (supra), which has been affirmed by Supreme Court in its decision of 19th July, 2017, and in case they choose not to do so and decide to proceed further in accordance with law, if such an occasion arises, then the reasons for adopting such a course be indicated in the decision so taken, within six weeks and its outcome be intimated to petitioners within two weeks thereafter, so that petitioners may avail of remedies as available in law, if need be.

5. With aforesaid directions, these petitions and the application are disposed of.

6. Copy of this order be given dasti to both the sides to ensure its compliance.  
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