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

+ LPA 359/2022

CHAALAK SHAKTI Appellant

Through: Mr. Aman Agarwal with Mr. Paras
Jain, Advs.

versus

GOVT. OF NCT OF DELHI, THROUGH COMMISSIONER,
TRANSPORT DEPARTMENT & ANR. Respondent

Through: Mr. Satyakam with Ms. Krishnashree
Devee, Advs.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
27.05.2022

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CM APPL. 25501/2022

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**LPA 359/2022 & CM APPL. 25502/2022, CM APPL. 25503/2022, CM
APPL. 25504/2022**

The submission of learned counsel for the appellant is that the issues raised by the appellant/ writ petitioner in W.P.(C) No. 4000/ 2022 tilted *Chaalak Shakti & Anr. V. Govt. Of NCT of Delhi* were not covered by the judgment dated 11.02.2022 in W.P.(C) No. 13090/ 2021 tilted *Auto Parivar Charitable Welfare Society & Anr. V. Govt. of NCT of Delhi*.

Learned counsel for the appellant has argued that unlike in the case of Auto Rickshaws, for which reservation was granted to the SC/ ST/ OBC category applicants, no reservation was granted insofar as, issuance of permits for e-auto rickshaws is concerned. Learned counsel for the appellant has not been able to point out any provision either in the Constitution or any other law which mandates grant of reservation to the aforesaid categories in the matter of grant of permits. Article 16 of the Constitution of India only permits reservation in the matter of public employment. We, therefore, reject this submission of the appellant.

Another submission advanced by learned counsel for the appellant is that there was no clarity with regard to the manner in which the draw of lots was held from amongst the women applicants. In this regard, he has drawn our attention to Annexure P5, which is a press report published in the Hindustan Times. This press report states that the draw of lots was held under the supervision a committee comprising senior transport officials and a special invitee from the Department of Women and Child Department. In our view, in the light of the said position, there is no merit in the appellant's submission, particularly when the appellant has not been able to point out any error in the said procedure adopted for conduct of the draw of lots.

Similarly, it is argued that the respondent issued a public notice stating that the Transport Department had held a computerised draw of lots for the applicants for allotment of 4261 E-autos (TSR) on 14.02.2022, and the list of successful applicants, including women applicants and male applicants was uploaded on the Department's website. His submission is that the applicants were not informed about the computerised draw of lots. Since, there is no specific infirmity disclosed by the appellant with regard to

the conduct of the computerised draw of lots, in our view, the same cannot be doubted and called in question.

The further submission of learned counsel for the appellant is that a perusal of the judgment in *Auto Parivar Charitable Welfare Society* (supra) shows that the respondent had filed their additional affidavit on 10.01.2022, which listed out the decision taken on 03.09.2021 formulating the project “*Livelihood Oriented Project*” which was followed by a further decision on the eligibility conditions on 14.09.2021. The submission is that these decisions were not known to the public at large and they were not uploaded on the website of the respondents.

Issue notice. Learned counsel for the respondent is present and accepts notice to this limited extent. The respondent should place on record an affidavit disclosing how the decisions communicated to the Court in W.P.(C) No. 13090/ 2021, were uploaded and made known to the public at large when the applications were invited. The affidavit be filed within 6 weeks. Rejoinder be filed before the next date of hearing.

List on 18.11.2022.

VIPIN SANGHI, ACJ

SACHIN DATTA, J

MAY 27, 2022

N.Khanna