

Court No. - 39

Case :- WRIT - A No. - 20705 of 2023

Petitioner :- Abhishek Malaviya

Respondent :- Commissioner By Name Personally From
Kendriya Vidyalaya And Another

Counsel for Petitioner :- Abhishek Malaviya

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard the petitioner, Abhishek Malaviya (in person).
2. Challenge has been raised to the orders dated 16.08.2023 and 19.08.2023 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application No. 02 of 2021 and Review Application No. 47 of 2023 arising therefrom, respectively.
3. Having heard the petitioner and having perused the record, we find no good ground to offer any interference in exercise of judicial review. Primarily, the Tribunal has rejected the Original Application filed by the petitioner on two grounds. On merits, the Tribunal has found that benefit of the notification dated 13.11.2019 could not be given to the petitioner as he had appeared in the selection pursuant to advertisement issued in the year 2016 and that result had already been declared. At the same time, the Tribunal has also found that application made by the petitioner under the above described recruitment, was defective inasmuch as instead of applying through on-line mode, the petitioner had applied through off-line mode only.
4. While submissions have been advanced on the first finding

recorded by the Tribunal, it is undisputed to the petitioner that he had not applied through on-line mode. In that regard, he would submit that there was certain defects in the on-line form prescribed by the respondents. Yet, upon query made, it is further admitted to the petitioner that he first raised challenge to the above process not in the year 2016 and not at the time of filing his application but in the year 2018 when the petitioner first filed Writ-C No. 37283 of 2018 (Abhishek Malaviya Vs. State of U.P. and 20 others). Still the petitioner did not file any proceeding before the Tribunal for three years, the Original Application having been instituted in the year 2021.

5. Seen in that light, the challenge raised by the petitioner before the Tribunal was belated. For reason of delay itself, we are not inclined to offer any further consideration in the present writ petition. It is accordingly **dismissed**.

Order Date :- 14.12.2023
SA

(Shiv Shanker Prasad, J.) (S.D. Singh, J.)