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

+ W.P.(C)4945/2015 & CM.APPL 8940/2015(stay)

% ***Judgment dated 28th July, 2015***

DINESH KUMAR & ORS. Petitioners

Through: Mr.Sourabh Ahuja, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Jagjit Singh, Senior Standing Counsel with
Mr. Shivanshu Bajpai & Ms. Nisha, Advocates.
Mr. S.S. Rana, A.P.O./R.R.C.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a direction to quash/set aside the order dated 17.3.2015 passed by Learned Central Administrative Tribunal(CAT).
2. Mr. Jagjit Singh, learned Senior Standing Counsel enters appearance on behalf of the respondents and submits that after the passing of the impugned order dated 17.03.2015, the respondents had filed a review petition before the CAT and the said review petition has been disposed of with the consent of the parties. Mr. Jagjit Singh has handed over in Court a copy of the consent order dated 15.07.2015 passed in the review petition filed by the respondents herein. Mr. Jagjit Singh, on instructions, further submits that the terms of the consent order shall be complied with within two weeks from today. The operative portion of the order dated 15.07.2015 reads as under:

“2. As agreed to by the learned counsel for the parties, these Review Applications are disposed of by this common order directing the Review Applicant to disclose

the marks obtained by each of the Applicants (Respondents in the RAs) and the reasons for rejection for their candidature and communicate them by individual letters within a period of two weeks from the date of receipt of a copy of this order. No order as to costs.”

3. Learned counsel for the petitioners submits that the petitioners are also aggrieved by the order dated 17.03.2015 passed by the learned Tribunal as the prayer made by the petitioners for providing answer sheets and answer keys has been rejected.
4. Mr. Jagjit Singh, the learned Senior Standing Counsel for the respondents submits that the prayer with regard providing answer sheets and answer keys would not be relevant as the reason for not declaring the result of the petitioners is that the petitioners have used unfair means during the examination and thus providing answer sheets would be of no consequence. Mr. Jagjit Singh further submits that they will remain bound by the statement given by them in the aforesaid review petition.
5. The learned counsel for the petitioners submits that the petitioners would await the formal reasons for rejection of their candidature, however, it is prayed that the answer sheets of the petitioners be preserved. Under the instructions of Mr. S. S. Rana, A.P.O. / R.R.C, Mr. Jagjit Singh submits that all the answer sheets and answer keys of the petitioners in this case shall be preserved.
6. At this stage, learned counsel for the parties agree that the present petition be disposed of in view of the stand taken by counsel for the respondents. However, after the reasons for rejecting the candidature of the petitioners herein are intimated to them, it would be open to the petitioners to take recourse to such remedies, which may be available to them. Legal rights of both the parties are kept open.

7. Accordingly, petition stands disposed of in view of the stand taken by counsel for the respondents.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 28, 2015
gr/pst