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

+ W.P.(C) 920/2015

NIRMALA

..... Petitioner

Through Mr. Naresh Kaushik and Ms.
Joymoti Mize, Advocates.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD &
ORS.

..... Respondent

Through Mr. Sanjoy Ghose, ASC-GNCTD.
Mr. Arun Bhardwaj, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.02.2016

This writ petition impugns the order dated 30th November, 2014 passed by the Principal Bench of the Central Administrative Tribunal in OA No.4111/2013 holding that the aforesaid original application was barred by limitation.

Learned counsel for the petitioner submits and points out that the Tribunal has erroneously noted that the results were declared on 6th October, 2009 and the OA was filed on 21st November, 2013 and, hence, it was filed four years after declaration of results. Learned counsel for the petitioner submits

that results of the Scheduled Tribe category candidates are yet to be declared, though four candidates belonging to ST category have been appointed pursuant to the order passed by the High Court. This factual position is accepted by the counsel appearing for the Government of NCT of Delhi.

In these circumstances, the findings recorded by the Tribunal in paragraphs 3 and 4 of the impugned order being factually incorrect cannot be sustained.

We accordingly allow the present petition and remit the matter to the Tribunal to be decided afresh keeping all issues and questions open.

Learned counsel for the respondent appearing for the respondent-Government of NCT of Delhi is presently unable to ascertain and clearly point out whether any appeal has been preferred against the decision in W.P.(C) 7977/2012, **Babita Kumari & Ors. Vs. DSSSB & Ors.** and other matters following this decision. He is also unable to state whether there is any effective stay order pursuant to which result of the ST category candidates have been withheld. Mr. Naresh Kaushik, however,

states that as per his information, there is no effective stay order of the Tribunal, of this Court or Supreme Court. Mr. Kaushik also states that the petitioners in the W.P.(C) 7977/2012 i.e. Babita and others, who have succeeded in the writ petition, have been appointed under the ST category.

We also direct that the respondents on or before the next date before Tribunal, will file an affidavit of the Member Secretary, DSSSB, clearly stating the reason for non-declaration of result of the ST category candidates.

List before the Tribunal on 17th March, 2016.

Looking at the nature of the controversy, we would request the Tribunal to take up the matter and decide it expeditiously.

Copy of this order will be given *dasti* under the signature of the Court Master.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

FEBRUARY 15, 2016
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