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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1922/2016 & CM APPL. 8252/2016**

ASHA CHANDRA Petitioner
Through: Mr.T.D. Yadav, Advocate

versus

GNCT OF DELHI AND ORS Respondent
Through: Mr.Saurabh Chadda, Advocate

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **08.03.2016**

The impugned order dated 17th February, 2016 passed by the Central Administrative Tribunal, Principal Bench, holds that the petitioner herein cannot claim any right on account of a mistake or an administrative error.

2. The petitioner by mistake was given a wrong seniority No.407, which was corrected on 12th September, 2013 after inviting objections. She was then assigned her correct seniority No. 2578 (2002-2006).

3. As a result of wrong seniority position, the petitioner was promoted as Vice-Principal, whereas the last seniority number entitled to promotion as a Vice Principal was serial no.1035 (1994-2001) in SC (Female Category).

4. The contention of the petitioner is that the seniority fixed long ago, could not have been changed, as rights had accrued. The said principle would have no application in the present case, for the petitioner was promoted as Vice-Principal only on 28th December, 2012 and soon thereafter

the mistake was corrected and consequently the order of promotion was cancelled on 15th April, 2014. This is not a case where on a principle or criteria/basis inter-se seniority of a group of employees once fixed was changed by adopting a different rule or criteria. The error or mistake became relevant when the petitioner was promoted to the post of Vice Principal on 28th December, 2012. Correction of mistake was made soon or immediately and not after a long gap.

5. Counsel for the petitioner has relied upon ***Rekha Chaturvedi Vs. University of Rajasthan & Ors.*** JT 1993 (1) SC 220. In the said case it was noticed that the selected candidates appointed in February, 1985 had worked for almost 8 years. The Supreme Court noticed that there were no records to show as to how the Selection Committee had proceeded to weigh the respective merits or to relax the minimum qualifications in favour of some candidates. If the considerations which had weighed with the Committee in relaxing the requisite qualifications were valid, it would lead to injustice. In these peculiar facts and circumstances, the Supreme Court did not cancel the appointments made, but had issued guidelines for future selection process.

6. Counsel for the petitioner at the end has submitted that the petitioner is to retire in four months' time and the impugned order dated 17th February, 2016 passed by the Tribunal has been publicized and an impression has been created that the petitioner had deliberately or *mala fide* procured promotion as a Vice Principal. We would like to clarify that the impugned order does not hold that the petitioner was in any way responsible and instrumental in fixing of the wrong seniority. This is not a case where any punishment has been imposed or mis-conduct has been established. An error in the seniority list had been made, which was subsequently corrected. We hope and trust that no misinformation will be circulated and publicized. This must be highlighted and pointed out to the colleagues.

With the aforesaid observation, the writ petition is dismissed.

SANJIV KHANNA, J

ASHUTOSH KUMAR, J

MARCH 08, 2016
Ssn/NA