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

% Date of decision: 24th May, 2016

+ W.P.(C) 4768/2016, CM Nos.19876-877/2016

MOHIT CHAUHAN AND ORS Petitioners

Through: Mr. N.S.Dalal with Ms. Ruchika Sharma &
Mr. Aman Mudgal, Advs.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Sanjib Kumar Mohanty, Adv. for R- 1 to 5.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL)

1. This writ petition impugns the order dated 16th March, 2016 passed by the Principal Bench of the Central Administrative Tribunal in two OAs, namely OA No.1604/2015 and OA No.1953/2015. The two OAs were filed by two separate set of candidates raising somewhat different grounds. The impugned order would show that the two OAs have been disposed of by one judgment but in two parts. The first part deals with OA No.1604/2015 and the second part independently examines the contentions and issues raised in OA No.1953/2015.

2. In these circumstances, we had asked learned counsel for the petitioners to make a choice and file a separate writ petition in respect of either OA No.1604/2015 or OA No.1953/2015.

3. Learned counsel for the petitioners submits that this writ petition may be treated as preferred against the decision in OA No.1604/2015 and he will prefer a separate writ petition against the decision in OA No.1953/2015. We take the statement on record and accordingly dispose of the writ petition treating it as preferred by Mohit Chauhan, Karmbir, Vinit Godara, Sandeep Kumar and Govind Singh who were the applicants in OA No.1604/2015.

4. By employment notice No.34303/LRS 12-13/EIB(S) MES, a number of civilian posts in Indian Military Service were advertised. This advertisement was published on 13.12.2014 and the last date for receipt of applications was 3rd January, 2015, 1700 hours for all candidates and 10th January, 2015, 1700 hours for candidates belonging to the specified States or Districts. The last date for receipt of applications was extended thrice thereafter to 3rd February, 2015, 3rd March, 2015 and finally to 3rd April, 2015. This was done by issue of corrigendums.

5. The petitioners herein filed OA No.1604/2015 impugning the extension of time granted by way of the three extensions. The contention of the petitioner is that before 3rd January, 2015 more than 4500 applications had been received in Delhi for the 95 vacant posts of Mate (SSK) and hence the three extensions were not required and have caused prejudiced. Ultimately 63,520 candidates had applied as per the information received by the petitioners under the Right to Information Act, 2005.

6. The respondent, in response to the said contention, in their reply had stated that the three extensions for receipt of applications

were granted to enable candidates from all over India to apply. The idea was to select the best candidates. The advertisement dated 13.12.2015 had invited applications for as many as 11 different posts. The advertisement was not restricted to vacancies in Mate (SSK) in Delhi region. 2265 vacancies for the post of Mate (SSK) were advertised. The posts carried an 'All India Service Liability' and names of different Commands were indicated.

7. The Tribunal, by an interim order, had allowed five petitioners to participate in the written examination and had subsequently called for the examination results. It is noticed that none of the five applicants had qualified and the marks obtained were less than marks obtained by the last selected candidate for the next stage.

8. We do not think that the petitioners are entitled to succeed in the present writ petition. Extension of date was an administrative decision. The respondent must be granted and should be given flexibility and latitude to fix dates or extend the date. Interference would be rare, perhaps in unusual cases. The extension cannot certainly be struck down and declared as violating any constitutional or statutory right because some persons/ candidates had applied on or before the first cut of date. This cannot be a ground to strike down the extension by a judicial decision. As noticed above, the advertisement had specified there were in all 2265 vacant posts of mate (SSK) to be filled up in different zones. It was all India selection. The respondents wanted a better response. In this context, they had extended the dates.

9. The writ petition has no merit and is dismissed. No costs.

10. We have granted liberty to the petitioners namely Pradeep Kumar, Shiv Kumar, Usha, Vijay Kumar Sehrawat and Kapil Sehrawat to independently file another writ impugning the order dated 16.3.2016 passed in OA No.1953/2016. Nothing in the present order will be construed as expression of opinion on the impugned order passed in OA No.1953/2015.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 24, 2016/ak