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

+ **W.P.(C) 5498/2016 & CMs No.22915-16/2016**

KSHITIZ CHANDRA VISHAL & ORS Petitioners
Through : Dr. N. Pradeep Sharma, Advocate

versus

**PT. DEENDAYAL UPADHYAYA INSTITUTE FOR THE
PHYSICALLY HANDICAPPED** Respondent
Through : Mr. Rajiv Bansal with
Mr. Siddhant Gupta, Advocate

**CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI**

ORDER
% **03.06.2016**

1. The present petition has been filed by four petitioners praying *inter alia* for quashing the Notification dated 19.5.2016 (wrongly typed as 19.6.2016 at Annexure P-1), whereunder the respondent/Institute has cancelled the written tests for the post of Prosthetist and Orthotist conducted on 30.4.2016.
2. As per the averments made in the present petition, the respondent/Institute had issued an advertisement on 5.7.2014, inviting applications for the posts of Prosthetist and Orthotist, in respect of four vacancies. The examination process included a written test, followed by interview. The written test was conducted on 30.4.2016.
3. It is the contention of the counsel for the petitioner that the result of the scrutinized candidates was declared in 6.5..2016 and as per the said result, the petitioner No.1 was at the top of the list of the OBC category

candidates, petitioner No.2 was positioned second in the general category, the petitioner No.3 was positioned second in the OBC category and petitioner No.4 was placed at the sixth position in the unreserved list. However, to the utter shock of the petitioners, the results of the written test were cancelled by the respondent/Institute vide impugned Notification dated 19.5.2016, whereunder they declared that the written test has been rescheduled for 5.6.2016. Aggrieved by the said Notification, the present petition has been filed.

4. Mr. Bansal, learned counsel for the respondent/Institute, who appears on advance notice, hands over a set of documents and states that the entire written examinations had to be cancelled on account of the fact that the petitioner No.1 and another candidate had made an error in filling up their roll numbers in the OMR sheets. When they had asked the Invigilator present during the examination, for another set of the OMR sheet, the same was handed over to them, not knowing that it would result in allegations of favouritism levelled in respect of certain candidates. He submits that several complaints were made in respect of the said examination directly to the Department Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, which had resulted in the Deputy Secretary of the Ministry visiting the respondent/Institute on 19.5.2016 and recommending that the entire written examination be scrapped and a fresh examination be conducted.

5. Learned counsel submits that pursuant to the aforesaid visit of the Deputy Secretary, Govt. of India, a letter dated 24.5.2016 was addressed by the Ministry to the respondent/Institute for cancelling the written examination in respect of the four posts in question and for conducting fresh

recruitment process as per the Recruitment Rules.

6. A perusal of the documents handed over by learned counsel for the respondent bears out the submission made by him to the effect that second OMR sheets had been supplied to two candidates during the written examination including the petitioner No.1, whereas the instructions on the sheet were to the effect that no second OMR sheet would be supplied to the candidates. Reference has been made in the letter dated 24.5.2016 to the fact that one of the candidates, who was supplied the second OMR sheet, was declared eligible, thus raising questions as to the integrity of the entire process.

7. Counsel for the respondent states that on receiving instructions from the Ministry, the respondents had duly replied vide letter dated 27.5.2016 confirming *inter alia* that in compliance of the oral instructions received on 19.5.2016, the Institute has already cancelled the written examinations that were held on 30.4.2016. He states that it is only on account of an error on the part of the petitioner No.1 and another candidate that the written examinations had to be scrapped and the respondent/Institute cannot be blamed for the same in any manner.

8. Having regard to the aforesaid facts and circumstances, this Court is not inclined to entertain the present petition, which is accordingly dismissed, along with the pending applications.

JUNE 03, 2016
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HIMA KOHLI, J