

\$~19

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

+ W.P.(C) 11350/2015

CHHATARPAL

..... Petitioner

Represented by: Mr.Jasbir Singh Malik, Advocate
with Mr.Kuldeep Rai, Advocate

versus

STAFF SELECTION COMMISSION
(NORTHERN REGION) AND ORS.

..... Respondents

Represented by: Ms.Arati Bansal, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **19.07.2016**

1. Undisputed facts are that 3 candidates secured 77 marks, which was the cut off marks obtained in order of merit keeping in view the vacancies to be filled up. It is also not in dispute that 2 out of 3 candidates were younger to the petitioner. It is also not in dispute that appointment was offered to 1 of the 2 candidates who was younger to the petitioner.

2. Petitioner claims right to be violated on the ground that he being elder in age ought to have been offered appointment. No rule or policy guideline has been cited by the petitioner as the rule of tie breaker being the age.

2. On the contrary, respondents rely upon the notice inviting applications in which it was made clear that in case of a tie, candidate obtaining more marks in the written examination would be the one who would be offered employment and if a tie still persists, the one who had obtained more marks

in Part A of the written examination would be given the appointment.

3. In other words the rule of tie breaker was : Firstly the marks obtained in the written examination. If the tie ensured, the marks obtained in Part A of the written paper.

4. It is not in dispute that two candidates secured 23 marks and the petitioner had obtained 21 marks.

5. Under the circumstances the writ petition is dismissed but without any order as to costs.

CM No.29818/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 19, 2016

mamta