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

+ **W.P.(C) 6045/2017 & C.M. No.25121/2017**

ANOOP KUMAR YADAV Petitioner
Through **Mr.Mohd. Faisal, Adv.**

versus

UNION PUBLIC SERVICE COMMISISON AND ORS.. Respondent
Through **Mr.Naresh Kaushik, Adv. with Mr.D. Singh, Adv. & Ms.Shaily Pandey, Adv. for R-1.**
Dr.L.C. Singhi, Adv. for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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19.07.2017

W.P.(C) 6045/2017 & C.M. No.25121/2017

Notice.

Mr.Naresh Kaushik, Advocate accepts notice for respondent no.1 and Mr.L.C. Singhi, Advocate accepts notice on behalf of respondent no.2/UOI. Considering the order that we propose to pass, we do not consider it necessary put respondent nos.3 to 16 on notice since they were not served before the Tribunal. The submission of learned counsel for the petitioner is that the Tribunal has passed the impugned order dated 24th May, 2017 in OA No.1835/2017 at the preliminary stage of hearing itself without issuing notice to the respondents. He submits that the Tribunal proceeded on the incorrect

assumption that the UPSC first issued model answer key and invited objections to the same whereafter the final answer key had been published. The Tribunal rejected the OA by incorrectly observing that in its opinion, all the candidates had been provided one opportunity to point out any discrepancy in the model answer key and that after taking into account all the objections received, the respondents had evaluated the answer sheets of the candidates based on the final answer key.

Mr.Kaushik, learned counsel for the respondent no.1 has pointed out that since no notice had been issued to the respondents, the correct factual position could not be placed before the Tribunal.

In view of the aforesaid, we consider it appropriate to set aside the impugned order and remand the matter back to the Tribunal. The Tribunal shall hear the matter afresh. We make it clear that we have not made any observation on the merits of the dispute.

With the aforesaid observation, the petition stands disposed of.

VIPIN SANGHI, J

REKHA PAL LI, J

JULY 19, 2017/aa