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

+ **W.P.(C) 7984/2017 & C.M. No. 32923/2017**

SUNITA RANI VERMA

..... Petitioner

Through: Mr. Rajesh Srivastava, Rajesh K
Singh, Varun Chauhan, Adv.

versus

THE SECRETARY GOVT OF INDIA AND ORS

..... Respondent

Through: Mr. Sumit Rajput and Mr.J.P.
Sharma, Adv. for R-1
Mr. Kirtiman Singh, CGSC

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

11.09.2017

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The petitioner has preferred the present writ petition to assail the order dated 16.03.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.1393/2016 and M.A. No.1383/2016. The aforesaid miscellaneous application had been preferred by the petitioner to seek condonation of delay of 6 years and 6 months in filing of the O.A. The O.A. had been preferred by the petitioner to seek a direction to the respondent to consider his name in appointment to the post of Vocational Instructor in the trade of dress making.

The petitioner had participated in the recruitment process initiated vide Advertisement No.2/2008 on 26.01.2008 for various posts including post of Vocational Instructor in the trade of dress making for OBC category. The petitioner was not selected in the said process. There was yet another advertisement issued in respect of the same post vide Advertisement No.22/2008 dated 27.12.2008, wherein the petitioner applied and participated. She did not qualify in the said examination as well. After over 6 years after the conduct of the process of recruitment vide the aforesaid application, she preferred the O.A. on the premise that she had learnt that she secured highest marks in the recruitment process initiated pursuant to Advt. No. 2/2008. This information was gathered by her by making an application under the Right to Information Act (RTI Act) on 02.06.2015. On that premise, the petitioner approached the tribunal. The tribunal has dismissed the O.A. on the ground of limitation.

The submission of counsel for the petitioner is that she was waiting for the result of the examination and she was never put to notice of the result. Consequently, she made an application under the RTI Act and learnt that she had secured highest marks. According to the petitioner, her cause of action arose when she got a response under the RTI Act and learnt of her illegal exclusion.

We find no merit in the submission of the petitioner. Pertinently, in respect of the second recruitment process, the petitioner had even approached the tribunal at Kolkata unsuccessfully vide O.A. No.720/2009. We find from the record that the petitioner had subsequently also challenged the rejection of her application in respect of Advertisement No. 03/2009 for the same post, by way of O.A. No.2570/2012 before the Principal Bench of

the Tribunal. Upon dismissal of her OA, she had preferred a writ petition being W.P.(C.) No. 7883/2014 before this Court, which too was dismissed. The petitioner, therefore, had ware withal to get information in respect of the first recruitment process and to take steps in that regard. Merely because she chose to gather information under the RTI Act in the year 2015 and received a response from the respondents in reply to her query, she would not get a fresh cause of action to prefer the OA. If this submission were to be accepted, any person whose relief may be barred by limitation may move an application under the RTI Act, gather information and create a fresh cause of action. This cannot be permitted.

For the aforesaid reasons, we find no merit in this petition. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 11, 2017

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