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

+ W.P.(C) 8255/2017

SAPHALTA BHATI

..... Petitioner

Through: Ms. Sahila Lamba, Adv. along with
Petitioner

versus

HIGH COURT OF DELHI

.... Respondent

Through: Mr. Viraj R. Datar, Advocate

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

15.09.2017

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1. The petitioner's grievance is that the evaluation of her answer sheet was incorrect in respect of at least five options in question No.3. She had competed for the post of Private Secretary in the establishment of the High Court, for which the written test was held on 4th/5th July, 2016. It is contended that the awareness with respect to the wrong marking came to her in the form of information sourced in compliance to the RTI queries raised by her on 19th May, 2017. The petitioner, therefore, represented to the High Court on 22nd July, 2017. The representation was rejected on 28th August, 2017.

2. The petitioner relies upon a previous order of this Court dated 30th August, 2017 disposing of several other writ petitions which raised identical grievances with regard to the wrong marking in respect of the candidates for W.P.(C) 8255/2017

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the same post. The Court had previously noticed that the High Court had constituted a Special Committee to consider the issue which recommended re-evaluation by a third party independent examiner not only of the writ petitioners who had approached the Court but also of the several representationists who had in the meanwhile urged similar grievances. The representations and the grievances of the petitioners found favour and pursuant to the re-evaluation, the marks were increased.

3. It is urged that given the objective facts with respect to erroneous marking, which in this is apparent and manifest, this Court should not desist from granting relief merely on the ground of laches and that the petitioner was under the impression that all those placed similarly will be treated similarly.

4. This Court noticed that the other candidates – similarly situated – had represented prior to the present petitioner; they too had sourced information under the RTI Act but chose to approach the Court with promptitude. In the meanwhile, during the pendency of their writ petitions, several other employees had addressed representations. Taking an overall view of these circumstances, the Court had directed that not only the grievance of the petitioners, the grievance raised by the other representationists should be considered by the Special Committee.

5. In these circumstances, it is quite evident that the allegations or grievance with respect to the flawed marking was not an unknown phenomenon. Given the fact that the community of candidates was few (46) and they competed for 27 vacancies, the petitioner's inaction in approaching this Court on the ground that she was under the impression that all would be

granted similar relief, is just one, i.e., of assumption. The Court is conscious of the fact that accommodation of 13 re-evaluated candidates' candidature would mean some element of disturbance with respect to the selected list of appointees. In these circumstances, adding further confusion to the process would not be justified.

6. In the peculiar facts and circumstances, it has to be held that the present proceedings are hit by delay and laches. The writ petition is therefore dismissed.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 15, 2017
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