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

+ W.P.(C) 1844/2018 with CM Nos.7670-7674/2018

PRAVEEN KUMAR

..... Petitioner

Through: Mr.Pawan Kumar Singh,
Advocate

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Ms.Rashmi Chopra, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.02.2018

1. The present petition has been filed by the petitioner assailing an order dated 12.05.2017, passed by the Central Administrative Tribunal in O.A. No.283/2015, wherein he along with two others had approached the Tribunal for setting aside Advertisement No.2/2011 dated 12.12.2014, issued by the respondents for appointment of Physical Education Teachers in the Directorate of Education, Government of NCT of Delhi, for Post Code 210/14.

2. The petitioners before the Tribunal had prayed for raising the age limit of the candidates applying for the post of Physical Education Teachers to 32 years and had sought permission to submit forms for the said examination through either electronic mode or through any

other suitable means, for considering their candidature. The order dated 12.05.2017 records the statement made by counsel for the respondents/Government of NCT of Delhi that the relief claimed in the said O.A. was similar to the relief sought in O.A. No.429/2015, entitled Meera Devi Vs. GNCTD and Ors. and the connected case which were dismissed by a common judgment dated 28.04.2017. The aforesaid submission was not disputed by Mr.Pawan Kumar Sharma, learned counsel for the petitioners. As a result, the O.A. was dismissed in terms of the order already passed in O.A. No.429/2015.

3. After waiting for almost one year, the petitioner has approached this Court to assail the order dated 12.05.2017. Pertinently, the learned counsel appearing in this petition is the very same counsel who has filed the O.A. before the Tribunal and he was the one who had made a statement that the present case is covered by the judgment dated 28.04.2017 in the connected matters.

4. Learned counsel for the petitioner states that aggrieved by the order dated 21.01.2015, passed by the Central Administrative Tribunal wherein only notice was issued in O.A. No.283/2015, without granting any interim relief, the petitioner had filed W.P.(C) No.2572/2015, asking for permission to submit his application to appear in the TGT (Physical Education Teacher) Examination for which vacancies had been advertised by the DSSSB. Noting the plea taken by the petitioner that earlier thereto, in the year 2010, the respondents had advertised vacancies for the post of Physical Education Teachers, where the age limit was prescribed 'below 32 years' along with the general relaxation to SC/ST/OBC/Departmental candidates etc., but in

the subsequent examination, the respondents had arbitrarily reduced the age limit for the subject post from 32 years to 30 years, without touching upon the merits of the case and only as an interim measure, vide order dated 16.03.2015, the respondents were directed to accept the online/manual application of the petitioner to the subject post. It was, however, made explicitly clear by the Division Bench, that, merely because the petitioner was being permitted to submit his online/manual application and participate in the examination, will not create any special equities in his favour and his participation in the said examination shall be subject to the final outcome of the O.A. preferred by him before the Tribunal.

5. In view of tone and tenor of the orders passed in the writ petition, it is clear that no special equities could flow in favour of the petitioner simply because he had participated in the subject examination. Despite that, learned counsel for the petitioner is continuing to harp on the fact that his client was permitted to participate in the examination and therefore, his result ought to have been declared by the respondents. This is all the more unacceptable when he had himself admitted before the Tribunal on 12.05.2017, that the facts of the present case is squarely covered by the judgment dated 28.04.2017, passed by the Central Administrative Tribunal in several connected matters including O.A. No.429/2015, entitled Meera Devi Vs. GNCTD and Ors.

6. Learned counsel for the petitioner next draws our attention to the order dated 28.04.2017, passed by a learned Single Judge of this court in Cont.Cas(C) No.322/2017, wherein the petitioner had alleged

wilful disobedience of the order dated 16.03.2015, passed by the Division Bench in W.P.(C) No. 2572/2015. The grievance of the petitioner was that the respondents had not issued him an admit card to enable him to appear in the TGT (Physical Education Teacher) Examination, scheduled on 30.04.2017. The Contempt Petition filed by the petitioner was disposed of with directions issued to the respondent No.3/DSSSB to issue an admit card in his favour subject to the final order to be passed by the Central Administrative Tribunal.

7. We have already noted above that by virtue of the impugned order, the O.A. filed by the petitioner was dismissed, being a covered case. It is stated that the examination for the subject post has already been conducted on 30.04.2017.

8. Merely because the petitioner was permitted to submit his form and participate in the examination, would not give him any vested right to seek an appointment when his case is squarely covered by the fact situation noted by the Tribunal in its judgment dated 28.04.2017, passed in a batch of petitions wherein identical relief was prayed for, as sought by the petitioner herein and turned down. In such circumstances, we see no reason to interfere with the impugned order.

9. The petition is dismissed *in limine*, along with the pending applications.

HIMA KOHLI, J.

PRATIBHA RANI, J.

FEBRUARY 27, 2018

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