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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 1542/2018 AND CM APPLs. 6317/2018 & 6319/2018**

TABASSUM KHAN ..... Petitioner  
Through Mr. R.N. Dubey, Adv.

versus

GOVT OF NCT & ANR ..... Respondents  
Through Ms. Avnish Ahlawat, Standing  
Counsel with Ms. Palak Rohmetra,  
Adv.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

% **14.11.2018**

1. The petitioner has filed the present writ petition to assail the orders dated 02.09.2011 and 26.04.2017 passed by the Central Administrative Tribunal (CAT/Tribunal) in Original Application no. 2791/2010 and Review Application no. 154/2014. The Tribunal has rejected the said Original Application as well as the Review Application preferred by the petitioner. The application seeking condonation of 1300 days delay has been dismissed and consequently Review Application has also been dismissed being barred by limitation.

2. The respondents invited the applications for the post of LDC vide advertisement issued on 19.07.2008 in the erstwhile Municipal

Corporation of Delhi. The petitioner applied against the said post and qualified in Part-I and Part-II of the written examination as well as in the skill test of type writing. On the basis of her performance, she was placed at serial no. 6020. However, her result was not declared on the ground that OBC certificate was not provided. In so far as her candidature under general category is concerned, she did not meet the cut-off. The Tribunal did not find merit in the case of the petitioner since she had left the form blank against item no.13 regarding the nature of benefit sought by her. The admitted position was that she had not submitted any caste certificate alongwith her application form. She did not even apply for the caste certificate before the cut off date and therefore, she had no excuse to say that she could not enclose the caste certificate on account of delay in issuance of the caste certificate. The Tribunal has relied upon the judgment of the Supreme Court in *Smt. Poonam vs. Govt. of NCT of Delhi & Anr.*, WP(C) 8508/2007 and in the case of *Uttar Pradesh Public Service Commission vs. Satyanarayan Sheohare & Anr.*, 2009(2) SCC (L&S) 265. The Tribunal has also relied upon its order in OA 1790/2010 dated 18.07.2011 to hold that only in those cases where the applicant had made the application for obtaining the caste certificate before the cut off date but could not obtain the same due to administrative lapse, the non-submission of the caste certificate could be condoned and not otherwise. It appears that the petitioner accepted her fate with the

passing of the order dated 02.09.2011 and re-agitated the issue only in the year 2014 by preferring Review Application no. 154/2014. The petitioner sought condonation of 1300 days delay in preferring the Review Application. As aforesaid, the Tribunal dismissed the application for condonation of delay and consequently, dismissed the Review Application.

3. As noticed above, the recruitment pertains to the year 2008. We are now in the year 2018. Even after the order dated 02.09.2011 passed dismissing her Original Application, the petitioner took no steps expeditiously. She neither approached this Court nor preferred Review Application then.

4. In these circumstances, we are of the view that no case is made out in favour of the petitioner. In our view, it would not be appropriate to reopen the recruitment process of the year 2008 at this delayed stage. It is also pertinent to note that even though the order in Review Application was passed on 26.04.2017, the present writ petition was preferred only sometime in February 2018 (though, the petition itself bears the date of December, 2017). Consequently, we are not inclined to interfere with the impugned order. Dismissed.

**VIPIN SANGHI, J**

**A. K. CHAWLA, J**

**NOVEMBER 14, 2018**

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