

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

Date of Order: March 05, 2018

+ **W.P.(C) 2000/2018 & C.M.8233/2018**

ROHIT KUMAR Petitioner
Through: Mr. CSS Tomar, Advocate

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Jaswinder Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. A mandamus is sought to third respondent to evaluate petitioner's OMR Sheet and to appoint him on the post of Optical Worker if he has qualified. In pursuance of Advertisement (*Annexure P-1*) petitioner had applied for the post of Optical Worker and as per the List of Candidature Cancelled (*Annexure P-6*), petitioner's Answer-sheet was not evaluated due to "MISSING QP SERIES".

2. Learned counsel for petitioner submits that it was due to inadvertence that the Question Paper Series was not mentioned by petitioner on his Answer-sheet and on account of this inadvertent error, petitioner ought not to suffer. To submit so, reliance is placed upon decision of a Division Bench of this Court in *Union of India and Ors. v. Sumit Kumar*, 2017 SCC Online Del 10138.

3. Learned counsel for respondents submits that the list of disqualified candidates (*Annexure P-6*) was made public way back in September, 2017 and so, this petition deserves to be dismissed on the ground of delay and laches. It is pointed out by learned counsel for respondents that it was made clear in the OMR Sheet that if any details of question booklet series, etc., are not filled up by the candidates, then the Answer-sheets would not be evaluated under any circumstances.

4. Upon hearing, it is deemed appropriate to dispose of this petition with direction to petitioner to make a Representation to third respondent within a week from today, while relying upon Division Bench's decision in *Sumit Kumar (supra)* and upon receipt of said Representation, third respondent shall pass a speaking order thereon within a period of six weeks and it shall also indicate if there are any unfilled vacancies of Optical Workers and disclose as to why petitioner's Answer-sheet cannot be evaluated in view of decision in *Sumit Kumar (supra)* and the fate of the Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

5. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

MARCH 05, 2018

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