

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

Date of Order: May 08, 2018

+ **W.P.(C) 4924/2018 & CM Nos. 19032-33/2018**

SHILPI KUMARI Petitioner

Through: Mr.V Elanchezian, Mr. Jawaid
Hussain Khan & Mr. Rashid
Azam, Advocates

versus

SECRETARY, DELHI SUBORDINATE SERVICES
SELECTION BOARD & ANR.Respondents

Through: Mr. V Balaji, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. As per Annexure P-2, marks and the merit list in respect of post code in question has been uploaded on the respondent-Board's website. However, the marks of Roll No. 12210847 have not been declared, as per the directions of the Central Administrative Tribunal (CAT). Petitioner's name was short listed for the post of Supervisor grade-II and as per the result, she was asked to upload her dossiers, which according to petitioner's counsel was uploaded but the date when it was uploaded is not disclosed.

2. The first prayer made in this petition is to quash the Result Notice no. 149 of 6th June, 2017 (Annexure P-3). Quashing of Result Notice is

sought on the ground that the notified vacancies i.e. 290 under the listed category have not been filled up. The grievance of petitioner is that as per the result, only 93 vacancies have been filled up. A *mandamus* is sought by petitioner to the respondent-Board, to fill up the remaining vacancies.

3. Learned counsel for petitioner has handed over copy of RTI Reply of 9th April, 2018 which discloses that no fix cut off is there for the post in question and the last selected candidate under the unreserved category has secured 106.50 marks.

4. Upon hearing and on perusal of impugned Result Notice (Annexure P-3) and the material on record, I find that the jurisdiction to set aside the impugned Result Notice (Annexure P-3) is of Central Administrative Tribunal (CAT) and for this relief, petitioner cannot directly approach this Court.

5. So far as the second prayer in writ petition, seeking direction to respondent to declare result in respect of all the notified vacancies is concerned, I find that it is prerogative of the respondent-Board to short list the candidates and the discretion of the respondent-Board cannot be curtailed by directing it to fix cut off marks.

6. In light of the aforesaid, for the first prayer made in the writ petition, liberty is granted to petitioner to approach the Central Administrative Tribunal (CAT), New Delhi. The second prayer made in this petition is declined as it is not within the domain of this Court to dictate as to what would be the eligibility criteria.

7. With aforesaid liberty, this petition and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 08, 2018
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