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

+ **W.P.(C) 448/2017**

SAUNOO KUMAR AND ANR Petitioners

Through: **Mr.Amit Kumar, Advocate**

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through: **Ms.Jyoti Taneja, Adv. for GNCTD**

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **22.03.2018**

1. The two petitioners in this petition have challenged an order dated 18.10.2016, passed by the Central Administrative Tribunal in O.A.No.4691/2014, that was disposed of by a common order dated 20.03.2015, passed in several connected matters. Vide order dated 20.03.2015, the Tribunal had observed as follows:

“4. In the wake, learned counsel for the applicants have pressed that the respondents should be directed to allow all the applicants to participate in the interview also, As has been recorded hereinabove, we could entrain the Original Applications only in view of the extra-ordinary situation, i.e., the written examination had been scheduled shortly. In the process of selections, the respondents may have to take different steps and it would not be advisable to issue fresh, interim directions at each of such state. The broad argument put-forth by learned counsel for applicants in the Original Applications is that the respondents could not bring to fore any reason to reject their application forms and nix the admit cards to them.

5. *In the circumstances, we dispose of the aforementioned Original Applications with liberty to the applicants to make individual representations to the Hoard within one week from today and a direction to the Board to decide the same within three weeks thereafter by way of reasoned and speaking order. It is made clear that the time limit of three weeks is outer limit for disposal of the representations and in such, cases where the dates of interview have been finalized the respondent, may consider the representations on priority. No costs.*

2. After the aforesaid petitions were disposed of, the petitioners herein and some other petitioners had approached the Tribunal by filing Miscellaneous Applications for directions to the respondents to declare their results in which they had been permitted to participate in terms of an interim order dated 26.12.2014, when the Original Applications were pending adjudication.

3. We may note that while passing the order dated 26.12.2014, directing DSSSB to issue provisional admit cards to the petitioners and allow them to participate in the written examination that was scheduled to be held on 28.12.2014, it was made clear that their participation will not create any right or equity in their favour and their results will not be declared till further orders are passed by the Tribunal.

4. After the disposal of the Original Applications on 20.03.2015, when the petitioners and some other filed miscellaneous applications, urging the Tribunal to direct the respondents to declare their results, the Tribunal observed that once their candidature itself was rejected, there was no question of declaring the results. However, the respondents were directed to pass a reasoned and speaking order on the representations submitted by the petitioners indicating *inter alia* the grounds on which their candidature had been rejected so that they would be in a position to challenge the same in accordance with law.

5. Admittedly, the petitioners did submit their representations to the respondents and it is their case that the respondents did not pass a speaking order. If that is the position, then there was no logic in the petitioners approaching the High Court by assailing the order dated 18.10.2016, inasmuch as the reasons for rejection of their candidature is still not known to them. If it is the stand of the petitioners that the respondents have not passed a speaking order so far, then they ought to have approached the Tribunal pointing out non-compliance of the order dated 18.10.2016. Instead, the petitioners have rushed to this Court by filing the present misconceived petition.

6. At this stage, learned counsel for the petitioners seeks leave to withdraw the present petition while reserving the right of the petitioners to approach the Tribunal to point out non-compliance of the order dated 18.10.2016 (Annexure-1).

7. Leave as prayed for is granted. The petition is permitted to be withdrawn.

HIMA KOHLI, J.

PRATIBHA RANI, J.

MARCH 22, 2018

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