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

+ **W.P.(C) 11911/2018**

**KRISHNA MURARI GUPTA**

..... Petitioner

Through: Sh. Bankey Bihari with Sh. Birendra  
Bikram, Advs.

versus

**UNION OF INDIA & ANR.**

..... Respondent

Through: Counsel (appearance not given)

**CORAM:**

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

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

**ORDER**

**01.11.2018**

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**C.M. No. 46161/2018**

Exemption allowed, subject to all just exceptions. The application stands disposed of.

**W.P.(C) 11911/2018 with C.M. Nos. 46160,46162/2018**

The petitioner assails the order dated 25.10.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A No. 100/3454/2016. The impugned order is an interim order whereby the petitioner's application being MA No. 4079/2018 has been dismissed. From the impugned order, it appears that the petitioner had preferred the Original Application to assail the Recruitment Rules for the post of Principal in the Kendriya Vidhyalaya.

The petitioner under the existing Rules is not eligible to participate in the selection process. Yet, by moving the interim application, he sought

consideration on provisional basis.

In our view, the Tribunal has rightly rejected the interim application of the petitioner. Unless, Recruitment Rules under challenge are set aside, there is no question of permitting the petitioner to participate in the selection process since he is not eligible under the existing Rules.

We find no merit in this petition.

Dismissed.

However, the *Doctrine of Lispendens* will apply.

The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**A. K. CHAWLA, J**

**NOVEMBER 01, 2018**

**N.Khanna**