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

+ **W.P.(C) 12332/2018**

NEETI NAYYAR Petitioner

Through: **Ms. Eshna Kumar, Adv.**

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondent

Through: **Mrs. Avnish Ahlawat, St. Counsel,
GNCTD with Mr. N.K. Singh, Adv.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

19.11.2018

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C.M. No. 47833/2018

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

W.P.(C) 12332/2018

1. The petitioner has preferred the present writ petition to assail the order dated 13.09.2018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 1172/2017. The Tribunal has rejected the said original application preferred by the petitioner. The petitioner had preferred the said original application to seek a direction to the respondents to consider her candidature for the post of Librarian (Post Code 02/13) in the OBC category and to consider her for appointment on the basis of her merit.

2. The Delhi Subordinate Services Selection Board (DSSSB) issued an advertisement bearing No. 002/2010 (post code 69/10 & 1/13 (post code No. 02/13), inviting applications from the eligible candidates for the post of Librarian in the Directorate of Education. The written examination was conducted on 31.08.2014. The petitioner applied for the said post as a general category/ unreserved category candidate. She did not disclose anywhere in her application form that she belongs to the OBC category. She did not submit any certificate - certifying that she is an OBC candidate. The results of the said examination were declared in 2015. The petitioner then sought to represent on 01.02.2017 claiming that she was an OBC candidate. She also claimed that she had made representation even before the declaration of the result which had been left in the drop box, meaning thereby that she had no proof of having made the representation and no acknowledgment of the same was received. Thereafter, she preferred the original application which has been rejected.

3. The submission of learned counsel for the petitioner is that in a similar circumstance the Supreme Court permitted the candidate to place on record and rely upon her L.L.M. qualification which she had inadvertently failed to submit along with her application. In this regard, she places reliance on **Anju Bharti v. Govt. of NCT of Delhi & Ors.**, Civil Appeal No. 16936/2017, decided on 23.10.2017.

4. Having heard the learned counsel for the petitioner and perused the record and also the decision relied upon by the petitioner; we find absolutely no merit in this petition. The petitioner consciously applied as an unreserved candidate, not disclosing her claim as an OBC candidate. She did not attach the OBC certificate. Only after results were declared, two

years later, she represented claiming reservation as an OBC candidate and consideration of her candidature. There is no material available with the petitioner and obviously none has been placed on record to substantiate her claim of having made a representation before the declaration of result.

5. The self serving statements of the petitioner that she made representations which were left in the drop box cannot be accepted. This stand of the petitioner is not corroborated by her conduct of not having made a written representation against acknowledgment between 2015 and 2017. Reliance placed on the judgment in *Anju Bharti* (supra) is misplaced. A perusal of the said judgment itself shows that the applicant made the representation before the authority, pointing out her mistake even before the results were declared. It was in those circumstances that the Supreme Court viewed her case favourably.

6. We find no merit in this petition.

7. Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 19, 2018

N.Khanna