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

+ W.P.(C) 13938/2018

VISHAVDEEP SINGH DAHIYA AND ORS. Petitioner

Through: Mr. Siddhartha Shankar Ray, Mr.
Rinku Mathur and Mr. Abhishek
Kaul, Advs.

versus

REGISTRAR, DELHI HIGH COURT Respondent

Through: Mr. Viraj R. Datar, Adv.

+ W.P.(C) 14035/2018 with C.M. No. 54808-54809/2018

Ms. VASUNDHARA KAPUR Petitioner

Through: Sh. Mohit Mathur, Sr. Adv. with Mr.
Vikas Manocha and Mr. Amit
Manocha, Advs..

versus

THE HIGH COURT OF DELHI AND ANR. Respondent

Through: Mr. Viraj R. Datar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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21.12.2018

Issue Notice. Mr. Datar accepts notice on behalf of the respondents. He has taken instructions on behalf of the respondents and, therefore, we have heard the submissions and proceed to dispose of the petition in view of the urgency disclosed in the petition.

The respondents issued a notification for conduct of Delhi Judicial

Service Examination on 13.11.2018, the same was uploaded on the website of the Delhi High Court. As per this advertisement, the date of commencement of online filling up of application form was 22.11.2018 (10.00PM); the last date for creating a new login for online registration was 12.12.2018 (11.00PM) and; the last date for filing up online application form and/ or making payment through Debit Card/ Internet Banking was 22.12.2018 (11.00PM).

Thereafter, the respondent issued another notification which was uploaded on the website of the Delhi High Court on 19.11.2018. The said notification changed the schedule in as much, as the last date for creating new log in for online registration was brought forward to 12.12.2018 (11.00PM) and the last date for filing online application form and/ or making payment through Debit Card/ Internet Banking was pre-poned to 12.12.2018 (11.00PM).

The grievance of the petitioners is that when the first notification was issued on 13.11.2018, they had viewed the same and noted the last date for creating new log in for online registration and submitting the online application form as 22.12.2018 (11.00PM). They state that they did not notice the second notification dated 19.11.2018 and they were shocked to learn, only after 12.12.2018, that the date had been pre-poned and, consequently, that they had missed the bus.

The petitioners also state that the first notification dated 13.11.2018 continued to remain uploaded even after the issuance of the second notification of 19.11.2018, which led to confusion. The petitioners have been busy in preparing for the competitive examinations, not only in respect of the Delhi Judicial Services Examination, but also in respect of similar

examinations to be held in the neighbouring States of Uttar Pradesh and Haryana.

Mr. Datar submits that the reason for pre-ponement of the schedule for submitting the online application forms and for holding of the examination has been, done since the matter is pending before the Supreme Court in *Malik Mazhar Sultan v. U.P. Public Service Commission*, Civil Appeal No. 1867/2006 and the Supreme Court has expressed the view that the vacancies should be filled up at an early date.

Be that as it may, in our view, once the respondent had fixed the schedule for filling the online application form and the last date had been declared as 22.12.2018 (11.00PM), the same could not have been pre-poned to 12.12.2018 (11.00PM). Though it is submitted by Mr. Datar that the subsequent notification of 19.11.2018 was circulated with the same amount of publicity as was the original notification, it is possible that candidates, such as the petitioners, may have missed out noticing the subsequent notification.

The bona fides of the petitioners is evident from the fact that they have moved the Court before the expiry of 22.12.2018, which was the last date fixed according to the originally fixed schedule.

Since the respondents have not accepted the application forms after 12.12.2018, and the web portal has been closed, we are of the considered view that the same should be re-opened to enable the same aspirants to make their online applications.

We have before us twelve petitioners in the two petitions and there may be many more, who may, similarly, be reeling under the impression that the last date for submission of online application forms is 22.12.2018 and

they may not have realised the same till now since that date is yet to arrive. There would be others, who may have tried to log into the website of the High Court after 12.12.2018 to register and upload their online applications, and failed to do since the web portal is closed, and are still groping in the dark, not knowing how to proceed next.

With a view to obviate any further litigation on account of the aforesaid change of schedule, we are of the considered view that the last date for filling of online application forms should be extended to 24.12.2018 (11.00PM) so that all such aspirants, who may not have been able to apply online after 12.12.2018, are able to do so. We are inclined to issue this direction, since, admittedly extending the last date of submission of application forms to 24.12.2018 would not adversely impact the schedule fixed and approved by the Supreme Court in *Malik Majhar* (supra).

We direct the respondents to take necessary action in this regard by opening the web portal at the earliest, and also to upload these directions, so that the aspirants are aware of the same. Adequate publicity on the website of the Delhi High Court in this regard shall be given by the respondents.

The petition stands disposed of in the aforesaid terms.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 21, 2018

N.Khanna