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

+ W.P.(C) 13420/2019

SHIKHA RAI

..... Petitioner

Through: Mr. L.R.Khatana, Adv.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD AND
ANR. Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD (services) with
Mr. Nitesh Kr. Singh, Adv.

+ W.P.(C) 13431/2019

VINIT SHARMA

..... Petitioner

Through: Mr. L.R.Khatana, Adv.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD AND
ANR. Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD (services) with
Mr. Nitesh Kr. Singh, Adv.

+ W.P.(C) 13435/2019

MEENU SINDHU

..... Petitioner

Through: Mr. L.R.Khatana, Adv.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD AND
ANR. Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD (services) with
Mr. Nitesh Kr. Singh, Adv.

W.P.(C) 13420/2019 & conn.

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the physical file and no page is missing.

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CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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19.12.2019

CM APPL. No. 54461/2019 (exemption) in W.P.(C) 13420/2019

CM APPL. No. 54511/2019 (exemption) in W.P.(C) 13431/2019

CM APPL. No. 54520/2019 (exemption) in W.P.(C) 13435/2019

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 13420/2019 & CM APPL. No. 54462/2019 (interim relief)

W.P.(C) 13431/2019 & CM APPL. No. 54512/2019 (interim relief)

W.P.(C) 13435/2019 & CM APPL. No. 54521/2019 (interim relief)

With the consent of the parties, these three writ petitions are being disposed of by a common order.

2. For the sake of convenience, the facts in W.P.(C) 13420/2019 are being noticed.

3. The present petition is directed against order dated 31.05.2019 passed by the Central Administrative Tribunal ('Tribunal'). Since the order is short, we deem it appropriate to reproduce the same.

" Heard.

Learned counsel for the applicant applied under RTI requesting for providing his OMR answer sheet with respect to the examination in Educational & Vocational Guidance Counsellor (EVGC-Male) examination held on 12.08.1992 as per Annexure A-7. He has received the information to the said RTI application. He is not satisfied to the reply given at Annexure A-8 by the authorities in reply to the said application. Hence, the applicant has filed this Original Application seeking information which has been denied to him under Rules of the RTI Act., 2005. The

W.P.(C) 13420/2019 & conn.

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applicant has not challenged any order passed by any respondent authority falling under sections 19 & 20 of the Administrative Tribunal's Act, 1985. The OA is, therefore, dismissed. No order as to costs."

4. Reading of the order gives an impression that the petitioner was aggrieved by the reply received by him to a query raised by him under the Right to Information Act, 2005. Consequently, the Tribunal dismissed the OA in *limine* on the ground that the applicant/petitioner herein had not challenged any order passed by any respondent authority falling under section 19 and 20 of the Administrative Tribunal's Act, 1985.

5. Mr. L.R. Khatana, learned counsel for the petitioner submits that the order of the Tribunal is bad in law and suffers from various legal infirmities and is liable to be quashed. He submits that the Tribunal has completely lost track of the prayer made in the OA, which we reproduce below :

" 8. *Relief sought:*

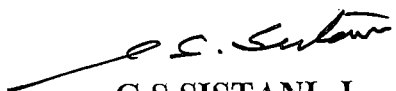
In view of the facts and circumstances mentioned above in Para 4 and the grounds of relief in Para 5 and the position stated in Para 6 herein above, the applicant most humbly prays for the following reliefs:-

A. *That this Hon'ble Tribunal may kindly be pleased to direct the respondents to declare the correct result of the applicant as per the OMR answer-sheet of the applicant and consider the applicant for recruitment to the Post of Educational and Vocational Guidance Counselor (EVGC)-Female, Post Code 149/17 as advertised by Respondent DSSSB.*

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B. Pass such other order(s) or direction(s) as may be deemed fit and proper in the facts and circumstances of the case."

6. Mr. Khatana submits that the petitioners did not challenge the response received under the RTI Act. The prayer was to declare the correct results of the examination conducted on 19.08.2018 (wrongly typed as 12.08.1992 in the Tribunal's order)
7. Notice to show cause as to why this petition be not admitted.
8. Ms. Avnish Ahlawat, learned counsel for the respondents enters appearance.
9. We have heard counsel for the parties.
10. We are a little surprised at the order passed by the learned Tribunal for the reason that the prayer made does not even seek the relief which has been declined by the Tribunal.
11. Resultantly, we have no option but to set-aside the order of the Tribunal ; and remand all the matters for fresh hearing.
12. Parties are directed to appear before the Tribunal on 09th January, 2020.


G.S.SISTANI, J.


ANUP JAIRAM BHAMBHANI, J.

DECEMBER 19, 2019/uj