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

+ W.P.(C) 1347/2019

DR. BIRENDRA KUMAR

..... Petitioner

Through: Mr. Surya Nath Pandey & Ms. Reema
Roy, Advocates.

versus

NATIONAL INSTITUTE OF BIOLOGICALS
AND ANR.

..... Respondents

Through: Ms. Suparna Srivastava, CGSC and
Mr. Kavindra Gill & Ms. Sanjna Dua,
Advocates for respondent No.2/ UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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08.02.2019

C.M. Nos. 6117-6118/2019

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 1347/2019 and C.M. No. 6119/2019

The petitioner has preferred the present writ petition to assail the order dated 17.01.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in M.A. No.4716/2018 in O.A. No.3893/2018. By the impugned order, the interim order dated 06.11.2018 passed by the Tribunal stands vacated. By the said order dated 06.11.2018,

the Tribunal had restrained the respondents from issuing the select list in respect of one post of SC category of Scientist Grade-II, for which examination was held on 09.09.2018. The Tribunal has observed that the petitioner did not appear in the said examination and, consequently, vacated the stay. The Original Application is still to be heard.

The submission of learned counsel for the petitioner is that the petitioner was prevented from appearing in the selection process on account of his not meeting the eligibility criteria. He submits that the petitioner is challenging the eligibility criteria stipulated in the advertisement.

In our view, merely because the petitioner is challenging the eligibility criteria, is no ground to keep the vacancy unfilled. As and when the Original Application is heard and decided, in case the petitioner succeeds, the Tribunal shall pass appropriate orders.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 08, 2019

B.S. Rohella