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

+ W.P.(C) 5190/2019

CHETAN KUMAR

..... Petitioner

Through: Mr. A.K. Bhardwaj, Adv.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondent

Through: Mrs. Avnish Ahlawat, St. Counsel,
GNCTD (Services) with Mr. N.K.
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.05.2019

C.M. No. 22937/2019

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

W.P.(C) 5190/2019

The petitioner assails the order dated 28.03.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 996/2019. The Tribunal has rejected the said Original Application preferred by the petitioner wherein he had sought a direction that his candidature for the post of Teacher (Primary), Post Code -16/17 be considered as physically handicapped candidate since he suffers from orthopaedic disability. The petitioner applied against the aforesaid post as

an OBC category candidate. He states that by mistake, he did not disclose that he is a physically handicapped candidate and did not apply under that category. He claims that when the results were declared, he was not selected under the OBC category on account of his securing lesser marks than the last selected candidate. However, he is entitled to be selected on account of his being a physically handicapped candidate belonging to the orthopaedically handicapped PH (OH) category, since he has secured higher marks than the cut off marks for that category.

The Tribunal has rejected the Original Application on the premise that the petitioner has not applied as a physically handicapped category candidate and, therefore, his candidature could not be considered subsequently under that category.

Mrs. Ahlawat, who appears on advance notice, submits that as on date, all the physically handicapped category vacancies i.e. PH(OH) have been filled.

The aforesaid being the position, we are of the view that the petitioner has not made out a case for interference with the impugned order since he did not apply under the PH(OH) category and, therefore, he cannot replace any of the selected candidates under that category.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 14, 2019

N.Khanna