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

+ **W.P.(C) 7892/2019**

SAVITRI YADAV

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra &
Ms.Kriti Kumari, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms. Avnish Ahlawat & Mr. N.K.
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

23.07.2019

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CM APPL. 32735/2019

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

W.P.(C) 7892/2019 & CM APPL. 32734/2019

The petitioner has preferred the present writ petition to assail the order dated 24.01.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 2674/2013. The Tribunal has rejected the said Original Application of the petitioner. The petitioner had assailed denial of appointment to her as a Staff Nurse and, consequently, sought a direction in that regard from the Tribunal. The petitioner had responded to the advertisement No. 004/2009 issued by the

DSSSB for recruitment to the post of Staff Nurse in the Department of Health and Family Welfare of the Government of India (Post Code 77/2009). The petitioner claimed reservation as an OBC category candidate. The petitioner was initially not shown successful on the ground that there was no vacancy. When she enquired with regard to her OBC candidature, she was considered as an OBC category candidate. However, once again, her candidature was rejected on the ground that she was not a permanent resident of Delhi since before 08.09.1993.

The Tribunal has rejected the Original Application in view of the fact that the petitioner could not satisfy the aforesaid requirement laid down in the advertisement, which, inter alia, stated that the applicant is entitled for OBC certificate of Delhi if “*an individual who is permanent resident of Delhi on or before 8th September 1993*”.

In the present case, what appears from the record, is that the petitioner was born at Jaipur, Rajasthan; she cleared the Rajasthan Education Board (Class 10) in the year 2002; she passed the 12th Class examination in the year 2004 from the same Rajasthan Education Board; she passed the course conducted by Rajasthan Nursing Council in the year 2008 and her work experience also related to her service rendered in Sanjeevani Hospital, Kothputli, Jaipur.

Learned counsel for the respondents points out that she also appeared in the examination from Jaipur. In these circumstances, the petitioner evidently was not entitled to claim reservation as an OBC category candidate from Delhi.

We, therefore, do not find any reason to interfere with the impugned order.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 23, 2019
B.S. Rohella