

\$~9

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

+ **W.P.(C) 6866/2017 & C.M. APPL. 28571/2017 (stay)**

MONICA Petitioner
Through Mr. Randhir Kumar and Mr. Onkar
Nath, Advocates
versus

GOVT. OF NCT OF DELHI AND ANR. Respondents
Through Mr. Naushad Ahmed Khan, ASC
(Civil), GNCTD
Mr. Vijay Joshi, Sr. Panel Counsel for
Respondent No. 2

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **17.12.2019**

1. The challenge in the present petition is to an order dated 15th March, 2016 passed by the CAT dismissing O.A. No. 325/2013 filed by the present Petitioner.

2. The Petitioner was aggrieved by the fact that the application submitted by her first pursuant to Advertisement No. 2/2012 issued by the Delhi Subordinate Services Selection Board ('DSSSB') on 9th June, 2012 was not accepted by the DSSSB. According to her, the said packet was returned with the endorsement "refused as not sent through speed post/registered post". Before the CAT, the Respondents filed a reply denying that the aforementioned packet containing the Petitioner's application was ever

received at the DSSSB. It is denied that the endorsement on the said packet was made by anyone in the DSSSB.

3. The CAT has, in the impugned order, held that the application of the present Petitioner had not reached the office of the DSSSB as was apparent from the rubber stamp endorsement bearing no date “put by the Postal Authorities on the envelopes.”

4. When the present petition was listed before this Court on 6th July, 2018, it was informed by counsel appearing for the Chief Post Master, Delhi Circle that the above endorsement on the envelope was not that of the post office.

5. Learned counsel appearing for the DSSSB also informs the Court that the endorsement is not that of the DSSSB. He refers to the averments in the counter affidavit filed before the CAT stating that no such packet/envelope was received in the office of the DSSSB prior to the deadline of 15th June, 2012.

6. It is a disputed question of fact whether the Petitioner indeed dispatched the above envelope on 9th June, 2012 which contained her application form. It is not possible for this Court to look into disputed questions of fact. The Petitioner has not been able to place on record any credible material to enable the Court to come to the conclusion that the envelope sent by the Petitioner reached the DSSSB and was returned by it with the above endorsement.

7. In the circumstances, the Court finds no reason to interfere with the impugned order of the CAT.

8. The petition is dismissed. The pending application is also dismissed.

S.MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 17, 2019

mw