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

+ W.P.(C) 1351/2020
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..... Petitioner

Through: Mr.M.K.Bhardwaj, Advocate

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mrs.Avnish Ahlawat, Standing Counsel,
GNCTD (services) with Mr.N.K.Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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17.02.2020

C.M.4726/2020 (exemption)

Exemption is allowed, subject to all just exceptions.

Application stands disposed of.

C.M.4725/2020 (additional documents)

Let the additional documents be taken on record, subject to all just exceptions.

Application stands disposed of.

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The petitioner is aggrieved by order dated 04.09.2019 passed by the Central Administrative Tribunal ('Tribunal'). The petitioner had applied for the post of Assistant Teacher (Nursery) with post code-068/2010 against advertisement No.02/2010 issued by the Delhi Subordinate Services Selection Board (DSSSB). Admittedly, in the application form the petitioner had left the column concerning category for the post as blank and accordingly, she was considered under the general category.

Mr.M.K.Bhardwaj, counsel for the petitioner has contended that the petitioner would be eligible for appointment in case there are vacancies available. Mrs.Avnish Ahlawat, learned counsel for the respondents submits that all the vacancies have been filled up. She further submits that the petitioner had secured 106.50 marks and the last candidate selected under the general category has secured 110.50 marks. She further submits that there would be large number of candidates between 110.50 and 106.50 marks.

At this stage, Mr.Bhardwaj submits that if there is any vacancy of general category available for which the petitioner meets eligibility criteria, the name of the petitioner should be considered. The respondents' stand however is that all the vacancies have been filled-up.

That being said, we dispose of the present petition observing that if any vacancy is available in general category and the petitioner meets the cut-off and other criteria, we have no reason to believe that the respondents would not consider the petitioner's candidature.

With these observations, the present writ petition is disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 17, 2020

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