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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 21.10.2020

LPA 237/2020, CM APPL. 22118/2020 (Stay) & CM APPL.22119/2020 (Condonation of Delay)

STAFF SELECTION COMMISSION & ANR.Appellants

versus

SHUBHAM TUSHIR

.....Respondent

Advocates who appeared in this case:

For the Appellant : Mr. Rakesh Kumar, Advocate
For the Respondents : Mr. Sachin Chauhan, Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court - via Video Conferencing)

The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

1. The present Letters Patent Appeal under Clause X of the Letters Patent, instituted on behalf of the appellant, prays as follows:

- (i) Call for the entire judicial records pertaining to W.P.(C) No.9073 of 2019 Shubham Tushir vs. Union of India & Another.

- (ii) Set aside the impugned judgment dated 22.08.2019 passed by the Hon'ble Single Judge in W.P.(C) No.9073 of 2019 Shubham Tushir vs. Union of India & Another and dismiss the said writ petition.
- (iii) Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances.

2. We have heard learned counsel appearing on behalf of the parties and perused the record.

3. A perusal of the order dated 09.09.2020 reflects that the appellant Staff Selection Commission was directed by this Court to submit the result of Mr. Shubham Tushir, the respondent herein, *qua* the combined Higher Secondary Level (10+2) Examination 2017, which had been produced before this Court in a sealed cover. The same had been opened and perused by the Court on 18.09.2020.

4. It is observed that the respondent Mr. Shubham Tushir has qualified the subject examination and is, therefore, entitled to be appointed to the post of Lower Division Clerk.

5. It is in this back-drop the impugned order dated 22.08.2019 in W.P.(C) 9073/2019, titled as '*Shubham Tushir vs. Union of India & Anr.*', is upheld, whilst reserving liberty to the appellant to raise all the legal issues, urged in this appeal, in appropriate proceedings, in accordance with law.

6. Needless to state that since we have not expressed any opinion on the merits of the case, the present judgment shall not operate as a precedent.

7. No further directions are called for.

8. With the above directions, the present appeal is disposed of. The pending applications also stand disposed of.

8. A copy of this judgment be provided electronically to learned counsel appearing on behalf of both the parties and be also uploaded on the website of this Court.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

OCTOBER 21, 2020/dn/mr

[Click here to check corrigendum, if any](#)