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

% **Date of Decision: 7th August, 2021**

+ **WP (C) 8023/2021, C.M. Appl. No. 24966/2021 (by the petitioner u/s 151 CPC for seeking ad-interim relief), C.M. Appl. No. 24967/2021 (by the petitioner u/s 151 CPC for exemption from filing fair and typed copy of DIM Annexures) C.M. Appl. No. 24968/2021 (by the petitioner u/s 151 CPC for exemption from filing attested copy of the accompanying affidavits)**

BALJEET RAM

..... Petitioner

Through: Mr.Sangam Kumar and Mr.
Mukesh Kumar, Advocates

Versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mrs. Tania Ahlawat,
Mr. Nitesh Kumar Singh and Ms.
Palak Rohemetra, Advocates

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

[VIA VIDEO CONFERENCING]

ASHA MENON, J: (Oral)

1. This petition has been filed under Articles 226 and 227 of the Constitution of India seeking a mandamus directing the respondent

W.P.(C) 8023/2021

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Signature Not Verified

Signed By: MANJEET KAUR

Signing Date: 08.08.2021
08:27:56

No.2/DSSSB to issue the Admit Card to the petitioner to enable to him to appear in the exam for the post of TGT Computer Science Teacher, scheduled to be held today at 4:30 PM.

2. Mr. Sangam Kumar, learned counsel for the petitioner, submits that though he had uploaded the photograph and the Identity Card through the portal, it was not reflected properly on the portal of the respondent No.2/DSSSB and he was unable to download the Admit Card. The learned counsel submitted that the petitioner was asked to come yesterday to submit the correct sized photograph i.e., of postcard size and identity proof, but no one was available at the Centre to help him out. Hence, he has moved the present petition seeking permission to sit in the exam today.

3. Ms. Avnish Ahlawat, Standing Counsel for the respondents submits that the petitioner ought to have approached the Central Administrative Tribunal (CAT) for relief as had other candidates, who also had not obtained admit cards for the said exams. The learned counsel for the respondents explained that the particular sized photographs along with identity card were mandatorily to be uploaded in order to enable the Examination Centre's Invigilator to cross-check the identity of the candidate. She submitted that the facial scan was also taken at the Exam Centre and the large sized photograph and identity proof were cross-checked, so that imposters could not get entry into the Examination Hall.

4. It is further submitted that no examination centre has been assigned to the petitioner and there is no time left now for such an exercise. In

response to the query of the Court, the learned counsel for the respondents submitted that there are several examination centres and without assigning the examination centre, no candidate can appear for the exam. She pointed out that as per the Rules for the conduct of the examination, the examination centres are closed two hours before the examination and no candidate can be allowed entry thereafter. Thus, since the exam is to be held at 4:30 PM, the centres would have been closed at 2:30 PM on account of scanning and other security requirements.

5. Learned counsel for the petitioner urges that the fault does not lie with the petitioner, as he had uploaded the required documents, which, however, were not reflected on the portal.

6. Considering the fact that the petitioner had been informed on 29th July, 2021 itself that the credentials were not being reflected on the portal, the petitioner had ample opportunity to, firstly, approach the CAT, which was the correct Forum, for appropriate relief and secondly, to do so, well in time. The petitioner had gone to the Centre on 3rd August, 2021, when he was advised to upload the relevant documents, which he claims he did. However, had he done so, it should have been reflected on the portal. He then chose to go to the Centre again on 6th August, 2021, i.e., a day before the scheduled exam and is now accusing the respondents of not allotting him an exam centre. The delay is purely on account of the inaction of the petitioner. There is no scope left at this point in time i.e., 3:30 P.M., to permit the petitioner to enter an exam centre, if the gates as per the Rules of the conduct of the exam, were to be closed at 2:30 P.M.

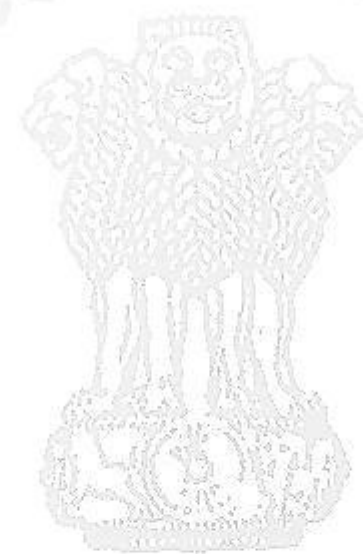
The petitioner has no extraordinary right that would allow him such privilege over other candidates, who may have reached the centres late but not given such a chance to enter, even if they had got late due to circumstances beyond their control.

7. There is no merit in the present petition, which is accordingly dismissed along with the pending applications.

8. The order be uploaded on the website forthwith.

(ASHA MENON)
JUDGE

AUGUST 07, 2021
pkb/s



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