

\$~17 (2021)

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

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Date of decision: 07.09.2021

+ **W.P.(C) 9766/2021**

ANURAG SHARMA

.....Petitioner

Through: Mr. Anjuman Tripathy, Adv.

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Mr. Ajay Digpaul, CGSC with Mr.
Kamal R. Digpaul and Mr. Aditya
Walia, GP for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J.: (ORAL)

[Court hearing convened *via* video-conferencing on account of COVID-19]

CM No.30133/2021

1. Allowed, subject to just exceptions.

CM No.30132/2021

2. Via this application, the petitioner, *inter alia*, seeks exemption from filing a copy of the impugned order dated 31.08.2021.

2.1. We may note, even though the title of the application, refers to the impugned order dated 31.08.2021, however, inadvertently, in the prayer clause of the captioned application, it appears that a typographical error has crept in, inasmuch as the date of the impugned order, is mentioned, as 09.08.2021.

3. Mr. Anjuman Tripathy, who appears for the petitioner, says that, he

was not able to file a copy of the impugned order dated 31.08.2021, as the said order was uploaded on the concerned website only, on 06.09.2020.

4. Mr. Tripathy has, however, screen-shared the copy of the impugned order, dated 31.08.2021. Mr. Ajay Digpaul, who appears for respondents/UOI, on advance notice, does not dispute the veracity of the said order.

5. Therefore, the application is disposed of, with a direction to the petitioner, to place the certified copy of the impugned order dated 31.08.2021, on record of this Court, notwithstanding the order passed hereinbelow, for the purposes of good order and record.

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6. Via this writ petition, challenge has been laid, as noticed above, to the order dated 31.08.2021, passed by the Central Administrative Tribunal (in short 'the tribunal') in O.A. No.1522/2021 and M.A. No.1986/2021.

6.1. A perusal of the impugned order (which, as indicated above, was screen-shared) shows that, the tribunal has fixed the matter, i.e., the aforesaid O.A. and/or the interim application, for hearing, on 09.09.2021.

7. The case set up by the petitioner, before us, is that, he has qualified Tier-I and Tier-II examination of the Common Graduate Level (CGL) examination, 2019, which is, conducted by respondent no.2, i.e., Staff Selection Commission (SSC), and that his evaluation qua CGL Tier-III examination was not made only because, he had not appended his signatures, on the answer sheet.

7.1. Mr. Tripathy says that, the petitioner's thumb impression was, however, appended on the answer sheet.

7.2. According to the petitioner, on this account, his further progress i.e.,

his right to appear for CGL Tier- IV examination should not be impeded. In other words, the petitioner asserts that his answer sheet for CGL Tier- III examination ought to have been evaluated.

7.3. According to us, these assertions can be examined, by the tribunal, when it hears the petitioner, on the date fixed i.e., 09.09.2021.

8. Given the foregoing circumstances, at the moment, we are not inclined to interfere with the proceedings of the tribunal.

8.1. The tribunal is requested to decide the main matter and/or the interim application, one way or the other, on the date fixed i.e., 09.09.2021.

8.2. We may also add, it may hasten the process, if the respondents, albeit, without prejudice to their rights and contentions, were to evaluate the petitioner's answer sheet for CGL Tier-III examination.

8.2. (a). The tribunal will take a final view on this aspect of the matter, when the matter is listed before it for hearing i.e., on 09.09.2021.

8.2. (b). The respondents will also take note of this aspect of the matter, in the meanwhile.

8.3. In case, the petitioner is aggrieved by the order passed by the tribunal, he will be at liberty to take recourse to an appropriate remedy, *albeit*, as per law.

9. The writ petition is disposed of in the aforesaid terms. All concerned will act upon the digitally signed copy of this order.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 7, 2021/rb

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