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

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Date of decision: 25.02.2022

+ **W.P.(C) 3467/2022**

DR. ANJUL SHARMA

..... Petitioner

Through Mr Nitin Jain, Mr Vishal Chauhan,
Ms Poonam singh Mahan and Mr
Hitender Kumar, Advs.

Versus

STATE COUNCIL OF EDUCATIONAL RESEARCH AND
TRAINING

..... Respondent

Through Mrs Avnish Ahlawat, Standing
Counsel with Mrs Tania Ahlawat, Mr
Nitesh Kumar Sing and Mr Siddhant
Tyagi, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Court Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):-

CM Nos.10176-77/2022

1. Allowed, subject to just exceptions.

W.P.(C) 3467/2022

CM No.10178/2022[Application filed on behalf of the petitioner for
interim relief]

CM No.10179/2022[Application filed on behalf of the petitioner for
placing on record additional documents]

2. Issue notice.



2.1. Ms Avnish Ahlawat accepts notice on behalf of the respondent.

3. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

4. This writ petition seeks to lay challenge to the order dated 15.02.2022, passed by the Central Administrative Tribunal [in short "the Tribunal"] in O.A. No.358/2022.

4.1. The operative directions passed by the Tribunal are contained in paragraph 5 of the impugned order. For the sake of convenience, the same is extracted hereafter :

“5. In view of the limited prayer made by the learned counsel for the applicant and in the interest of justice, we deem it fit and proper to direct the respondent to consider applicant’s representations dated 24.12.2021, 28.12.2021 and 31.12.2021 after duly providing her/her counsel, an opportunity of being heard and dispose of the same, through a reasoned and speaking order, as early as possible, and in any case positively by 24.02.2022 as the interview for the post of Principal (DIET) is scheduled to be held on 26.02.2022.”

4.2. Pursuant to the impugned order of the Tribunal, the respondent i.e. State Council of Educational Research and Training, admittedly, gave a personal hearing to the petitioner on 22.02.2022, and, thereafter, passed an order on the subsequent date i.e., 23.02.2022. A copy of this order has been placed before us by the counsel for the petitioner.

4.3 The order dated 23.02.2022 is adverse to the interest of the petitioner. In sum, via the said order, the respondent has disposed of, as directed by the Tribunal, the petitioner’s pending representation.

5. The record shows that the petitioner seeks appointment against an advertisement, issued by the respondent qua the post of Principal (DIET).



5.1. The petitioner, however, has been declared ineligible by the Screening Committee on account of the following :

85.	<i>Dr. Anjul Sharma</i>	<i>Not Eligible, (The Candidate does not have 3 years of Experience of Educational Administration in a Teacher Educational Institution as per RR. Also The Candidate does not have required no of Research Publications in Peer reviewed Journal or UGC listed journal as per RR.)</i>
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5.2. The petitioner, quite obviously, contests this position.

6. In view of the fact that a fresh order (i.e., order dated 23.02.2022) has been passed by the respondent, the petitioner will have to take recourse to an appropriate remedy, as per law, and not assail the same directly before the High Court via a writ petition preferred under Article 226 of the Constitution.

6.1. We are, however, told that the interviews for the aforementioned posts are scheduled to be held tomorrow i.e, 26.02.2022.

6.2. Counsel for the petitioner says that the petitioner be allowed to take part in the interview, *albeit*, provisionally, subject to the outcome in the action, that the petitioner proposes to file before the Tribunal against the order dated 23.02.2022, passed by the respondent.

7. The date fixed for the interviews for the subject post i.e., 26.02.2022, which is tomorrow, is a Saturday. Since the Tribunal will not be convening tomorrow and given the paucity of time, the interest of the parties will require a balance of a trapeze artist.

7.1. Accordingly, we direct the respondent to permit the petitioner to, provisionally, take part in the interview.



7.2 However, the result of the interview will be kept in a sealed envelope. The sealed envelope will be opened only, if the petitioner files an action before the Tribunal and succeeds in it.

7.3 The petitioner will have the liberty to file a fresh OA with the Tribunal, within one week from today.

7.4. Liberty is, thus, given to the petitioner to assail, inter alia, the order dated 23.02.2022, passed by the respondent.

7.5. Needless to add, for the reasons given hereinabove, the directions issued to the respondent to permit the petitioner to participate in the interview is a *pro tem* direction. This direction will not impact the merits of the petitioner's case, if a substantive action is filed before the Tribunal within the timeframe given above.

7.6. It is made clear that the fact that the petitioner has been allowed to take part, albeit provisionally, in the subject interview, will not entitle her to claim any equities.

8. Parties will act based on the digitally signed copy of this order.

राजिव शकधर
RAJIV SHAKDHER, J

TALWANT SINGH, J

FEBRUARY 25, 2022

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