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

% Judgment delivered on: 13.10.2022

+ W.P (C) 12775/2022 & CM APPL. 38895-97/2022

NEHA VERMA

..... Petitioner

versus

UNION PUBLIC SERVICE COMMISSION AND ORS.....

Respondents

**Advocates who appeared in this case:**

For the Petitioner: Mr. Randhir Kumar, Advocate.

For the Respondent: Mr. Naresh Kaushik and Mr. Shubham Dwivedi, Mr. Anand Singh and Mr. Manoj Joshi, Advocates for UPSC/R-1.  
Ms. Pratima N.Lakra, CGSC with Ms. Vrinda Baheti, Advocates for R-3.

**CORAM:-**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 22.08.2022 passed by the Tribunal whereby the original application filed by the petitioner had been rejected.
2. Petitioner had applied for the post of Specialist Grade III Assistant Professor (ENT) Ministry of Health and Family Welfare under the OBC category.
3. On 06.09.2022 learned counsel for the petitioner had contended

that petitioner had been ousted from consideration solely on the ground that petitioner did not have the requisite teaching experience of three years. The contention of the petitioner was that petitioner possessed the requisite teaching experience and had been performing additional duties of teaching since the year 2015.

4. On 06.09.2022 this Court had noticed that the interview process was already on and in those circumstances, without prejudice to the rights and contentions of the parties it was directed that petitioner be permitted to participate in the interview process and the result of the petitioner be produced in a sealed cover.

5. Said direction was passed for the purpose of ascertaining as to whether petitioner would qualify or not for the said posts irrespective of the eligibility criterion.

6. It is informed that there is only one OBC seat. The result has been produced in a sealed cover. It is noticed that there is one candidate in the OBC category who has scored higher than the petitioner and has thus been recommended.

7. In view of the fact that petitioner is not the candidate who is selected in the interview having scored marks lesser than the one who has been selected, we are of the view that the issue with regard to eligibility of the petitioner need not be examined any further in these proceedings.

8. Learned counsel for the petitioner submits that in case the recommended candidate does not join, petitioner would have an opportunity to be considered in accordance with rules.

9. In view of the fact that petitioner has not been recommended having scored lesser marks than the recommended candidate, we dispose of this petition, however, with liberty to the petitioner to seek revival of the petition in case the candidate recommended does not join within the stipulated period in accordance with the rules. The question of eligibility of the petitioner is accordingly left open.

10. The original result that has been produced in a sealed cover is once again sealed under the signatures of Court Master and handed over to the counsel for the respondent.

11. Petition is accordingly disposed of in the above terms. All rights and contentions of the parties are reserved.

**SANJEEV SACHDEVA, J.**

**TUSHAR RAO GEDELA, J.**

**OCTOBER 13, 2022/rk**