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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 03.01.2022

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W.P.(C) 15171/2021**NITIN KUMAR JAIN**

....Petitioner

Through: Mr Sumit Kumar and
Ms Harshita Sinha, Advs.

versus

UNION OF INDIA & ORS.

....Respondent

Through: Mr Rajesh Kumar, Adv. for
R-1/UOI.
Ms Seema Dolo, Adv. for R-
2/CBSE.
Mrs Avnish Ahlawat, Standing
Counsel, GNCTD with Mrs
Tania Ahlawat, Mr Nitesh
Kumar Singh and Ms Palak
Rohmetra for R-4/DSSSB.**CORAM:****HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE TALWANT SINGH****[Court hearing convened via video-conferencing on account of COVID-19]****RAJIV SHAKDHER, J. (ORAL):-****CM APPL. 47794/2021**

1. Allowed, subject to just exceptions.

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2. This writ petition is directed against the order dated 12.03.2020, passed by the Central Administrative Tribunal, Delhi [in short "the Tribunal"] in TA No. 10/2017.

3. Mr Sumit Kumar, who appears for the petitioner, concedes that the instant writ petition was filed in and about 04.03.2021 i.e., nearly one year after the aforementioned impugned order had been passed.

3.1. The grievance articulated by the petitioner, albeit, in the second



round, after the petitioner was relegated to the Tribunal, concerned the purported failure to clear the Central Teacher Eligibility Test, 2012 [in short 'CTET'] by one [1] mark.

3.2. The petitioner claimed that the answer given by him against question no.108 was the correct answer, and not the one which finds mention in the answer key uploaded by the Central Board of Secondary Education [in short "CBSE"] i.e., respondent no.2.

3.3. To be noted, respondent no.2/CBSE was mandated to hold CTET.

3.4. The answer key uploaded by responded no.2/CBSE qua the subject exam indicated that the option no.2 given against question no.108 was the correct answer. The petitioner, on the other hand, based on the write up against which the questions were framed including question no.108 asserted that option no.1 was the correct answer.

3.5. The matter, admittedly, was placed before experts. The experts, however, sustained respondent no.2/CBSE's stand that option no.2, was the correct answer.

3.6. Counsel for the petitioner has taken us through the opinion of the experts and the relevant material to demonstrate that if the answer to the relevant question is looked at in the backdrop of the write up against which such question was framed; option no.1 would be the correct answer.

4. It is not in dispute that the "reject list" qua the subject post was published by respondent no.4 i.e., Delhi Subordinate Services Selection Board ('DSSSB') on 01.08.2016.

4.1. Furthermore, it is also not in dispute that CTET, was held on 18.11.2012, and the result was declared on 27.12.2012.

4.2. Therefore, while there may be some contestation with regard to



whether the experts got it right or not [an aspect which Courts generally do not delve into], the delay in approaching this Court is something that would not work in the favour of the petitioner.

4.3. We are also told [something which the learned counsel for the petitioner does not dispute] that, in 2015, the petitioner has cleared the subsequent CTET.

4.4. Therefore, looking at the overall situation, delay and latches in this case work against the petitioner.

4.5. Concededly, the delay in approaching this court has not been explained by the petitioner in the writ petition; pertinently, between March 2020 and March 2021, when this Court had fresh/ urgent matters listed for hearing.

5. The writ petition is, accordingly, dismissed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JANUARY 03, 2022

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Click here to check corrigendum, if any