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

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Judgment delivered on: 21.11.2022

+ W.P.(C) 15601/2022

TANVEER ALAM

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. B. Sengupta and Mr. R.S. Kaushik,
Advocates.

For the Respondent : Mrs. Avnish Ahlawat, SC for GNCTD with Mr.
Nitesh Kumar Singh, Ms. Laavanya Kaushik
and Ms. Aliza Alam, Advocate for R-1.

Mr. Naresh Kaushik, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 48521/2022 (for exemption)

Exemption is allowed, subject to all just exceptions.

W.P.(C) 15601/2022

1. Petitioner impugns order dated 29.09.2022, whereby the Miscellaneous Application ('MA') filed by the petitioner, has been rejected.
2. Petitioner had filed the subject Original Application ('OA') impugning the rejection of his candidature on the alleged ground of being overage.
3. Petitioner had applied for consideration for the post of Principal in the Government of National Capital Territory of Delhi ('GNCTD') schools.
4. Petitioner also sought benefit of the provision for age relaxation available for Central/ Union Territory Government Servants up to five years.
5. The application form of the petitioner was rejected on the ground of being overage. It is noticed from the application form that in the column for age relaxation, petitioner has mentioned GNCTD whereas, in the column for general experience, he has mentioned Andaman & Nicobar Administration.
6. Learned counsel for the petitioner submits that the discrepancy has occurred on account of a human error.
7. We notice that the Tribunal had declined to grant interim relief to the petitioner seeking permission to participate in the written examination, which was scheduled for 17.07.2022 and had listed the matter on 11.07.2022 then on 13.07.2022, when it was adjourned to 15.07.2022.

8. The petitioner had approached this Court in W.P.(C) 10682/2022 on the premise that the examination was scheduled for 17.07.2022 and any further delay by the Tribunal would prejudice him. Said petition was disposed of on 15.07.2022 noticing that the OA was listed before the Tribunal on 15.07.2022 itself and as such, there was no ground made out for interfering with the hearing of the proceedings before the Tribunal.

9. Learned counsel for the petitioner submits that on 15.07.2022 instead of the interim relief being considered, the Tribunal adjourned the matter *sine die*, thereby the petitioner was deprived of an opportunity to participate in the written examination.

10. Subject Miscellaneous Application was filed by the petitioner thereafter, seeking a direction to the respondents to hold a special examination for the petitioner, which has been declined.

11. We are of the view that at an ad-interim stage, a direction cannot be issued to the UPSC to hold a special examination for the petitioner. It is only after the petitioner is able to succeed in the OA that consequential relief can be granted to the petitioner. Since petitioner's OA is still pending before the Tribunal, no such direction can be issued to the UPSC to hold a special examination. Accordingly, we find no infirmity in the order of the Tribunal declining the interim relief to the petitioner, at this stage.

12. However, keeping in view the facts and circumstances of the case and also the fact that despite this Court declining to interfere in the earlier petition, on the ground that the petition was listed before the Tribunal on that very date and the Tribunal having adjourned the matter, we are of the

view that direction be issued to the Tribunal to expedite the proceedings and to dispose of the OA finally on merits expeditiously.

13. It is informed by Mr. Kaushik, learned counsel appearing for UPSC that after the result of the written examination, an interview has to be conducted and as on date, there is no date fixed for holding the interview. He submits that the process is likely to take about four weeks.

14. In view of the above, we dispose of this petition with a request to the Tribunal to expedite the proceedings and endeavor to conclude and finally dispose of the OA within a period of four weeks from today.

15. Petitioner shall file rejoinder to the reply filed by the respondents in the record of the Tribunal within five days from today.

16. Parties shall appear before the Tribunal for directions on 28.11.2022.

17. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 21, 2022/nd