



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

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Date of Decision: August 25, 2023

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W.P.(C) 11338/2023, CM APPL. 44106/2023

PATKAR SAMEER NARAYAN AND ORS.

..... Petitioners

Through: Mr. Ankur Chhibber, Mr. H. S. Tiwari, Mr. Aasuman Mehrotra, Mr. Nikunj Arora, Mr. Arjun Panwar, Ms. Samriddhi Bhatt and Mr. Amrit Koul, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Hanu Bhaskar, CGSC and Mr. Vikramditya Singh, Advocate for UOI / R-1.
Mr. Naresh Kaushik, Mr. Manoj Joshi and Ms. Shikha John, Advocates for UPSC / R-2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 44107/2023

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The challenge in this writ petition is to an order dated August 08, 2023 passed by the Central Administrative Tribunal, Principal Bench ('Tribunal' for short), in O.A. 2302/2023, whereby the Tribunal, while considering the prayer of the petitioners for interim relief, has rejected the same.

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4. We have heard Mr. Ankur Chhibber, learned counsel appearing for the petitioners, Mr. Chetan Sharma, learned ASG appearing for respondent No. 1 and Mr. Naresh Kaushik, learned counsel appearing for respondent No. 2. The issue, which arises for consideration in this writ petition, is with regard to the examination to be conducted by UPSC for promotions to the post of Section Officer (in the CSS Cadre) from the post of Assistant Section Officer under LDCE quota.
5. As per the schedule notified by UPSC, the examination for the vacancy years 2019-20 has to be held on August 26 and 27, 2023 and for the vacancy years 2021-22 on September 09 and 10, 2023 respectively.
6. The submission of Mr. Sharma and Mr. Kaushik is, preparations have been made and relevant materials have been dispatched to the examination centers. It is too late for this court to consider the prayer for interim relief as being sought by the petitioners for postponement of examination.
7. Having considered all the rival submissions made by the counsels, as the matter is pending consideration before the Tribunal and we have been informed that the date of hearing is October 30, 2023, we deem it appropriate to dispose of the writ petition by stating that petitioners shall appear in the examination as scheduled without prejudice to their rights and contentions in their petition before the Tribunal and their appearance shall be subject to the outcome of the above original application being O.A. 2302/2023.
8. During the course of hearing, Mr. Chhibber stated that the date of hearing, October 30, 2023, be advanced to a date as deemed appropriate, so that the Tribunal can decide the issue once and for all.



9. We have been informed that though counter affidavit has been filed by UPSC / respondent No. 2, the counter affidavit has not been filed by Union of India / respondent No. 1.

10. Mr. Chetan Sharma, on instructions from Mr. Hanu Bhaskar states, the counter affidavit shall be filed within four weeks from today. Mr. Chhibber states, rejoinder to the counter affidavit of UPSC and the counter affidavit to be filed by respondent No. 1, shall be filed within three days of the filing of the counter affidavit by respondent No. 1.

11. If that be so, we deem it appropriate to advance the date of hearing before the Tribunal to September 27, 2023, when the Tribunal shall hear the counsel for the parties and decide the original application within two weeks thereafter.

12. With the above, Writ Petition is disposed of.

13. It is made clear, this court has not expressed itself on the merits of the issue, which arises for consideration in this writ petition.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

August 25, 2023/R