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

+ **W.P.(C) 1192/2024**

RAJIV KUMAR

..... Petitioner

Through: Petitioner in person.
versus

**THE CHAIRMAN, CENTRAL BOARD OF TRUSTEES (EPFO)
AND ORS.**

..... Respondents

Through: Mr. Rajesh Kumar, Standing Counsel
with Mr. Shivam and Ms. Mishika,
Advocates for R-1 and R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **29.01.2024**

CM APPL. 4989/2024 & CM APPL. 4990/2024 (exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

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3. The present writ petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 05.02.2020 passed by the Central Administrative Tribunal in O.A No. 311/2020. The petitioner also assails the order dated 18.05.2023 passed in the Review Application no. 93/2021, which review application came to be rejected on the ground of delay.

4. The petitioner, who appears in person, submits that the impugned order is wholly perverse and is liable to be set aside as the learned Tribunal failed to appreciate that the petitioner had raised valid objections against the



answer key, which were not considered by the respondents. He further submits that the review application preferred by the petitioner could not have been rejected by the learned Tribunal on the ground of delay as the period between 16.03.2020 to 28.02.2023 was required to be excluded for the purpose of computing limitation in terms of the order passed by the Apex Court in *Suo Moto* Writ Petition (C) No.3/2020. He, therefore, contends that even the review application, filed by him on 18.10.2021 was wrongly dismissed on the ground of delay.

5. Having considered the submissions of the petitioner, we are of the view that even if the petitioner's plea that review application could not have been dismissed on the ground of delay were to be accepted, the fact remains that the petitioner has not given any explanation for approaching this Court for almost eight months from the date when his review application came to be dismissed.

6. Even otherwise, having perused the impugned order dated 05.02.2020, we find that the learned Tribunal had given him enough opportunity to demonstrate how the answer to any particular question was incorrect or vitiated, he had failed to do so. It would, therefore, be apposite to refer to the relevant extract from the impugned order dated 05.02.2020 which reads as under.

"8. Except stating that the respondents did not consider the objections raised by him, the applicant is not able to demonstrate as to how any particular question or the answer thereof, is incorrect or is vitiated. It is fairly well settled that in the matters of this nature, the Courts and Tribunal cannot function as appellate authority or specialised Agency. The very purpose of framing questions with multiple answers is to create a sense of confusion in the candidate. It is only a person who is well versed in the subject, that can give correct answer. Added to that, the applicant is not able to place before us the objections said to have been raised by him."



7. We find that the petitioner is, at this belated stage, seeking to raise objections regarding an examination which was held in 2017, the results whereof were declared on 03.01.2018 and 25.07.2019. The vacancies pursuant to the said examination also stand filled up years ago, we, therefore, find no reason to interfere with the result of the said examination at this stage. The present petition, being meritless, is accordingly dismissed.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 29, 2024/ib