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

+ **W.P.(C) 2056/2024**

RAJESH KUMAR AND ANR.

..... Petitioners

Through: Ms. Niyati Sharma, Advocate

versus

DSSSB AND ORS.

..... Respondents

Through: Mr. Gaurav Dhingra, Advocate for
respondent no. 1 & 3

Mr. Nikhil Palli, Advocate for
respondent no.2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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16.02.2024

CM APPL. 8577/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 2056/2024

1. This petition challenges the order dated July 7, 2023 passed by the Central Administrative Tribunal in R.A. No. 104/2021 and order dated January 23, 2023 in O.A. No. 3354/2014 and O.A. No. 1918/2015.

2. At the outset, we may state here that the petitioners were the applicants in O.A. No. 3354/2014. The challenge in the O.A. was primarily to the action of the respondents in not reducing the pass percentage for examination held for selection to the post of Teacher (Primary) conducted by Delhi Subordinate Services Selection Board, Government of NCT of Delhi.

3. As noted by Tribunal, learned counsel appearing for the petitioners



had not pressed the challenge against the non-reduction of the minimum qualifying marks for OBC candidates from 35 % to 30%. The other ground for the Tribunal to reject the O.A. was also that the petitioners had participated in the examination process.

4. Suffice to state that the Review Petition was filed by the petitioners before the Tribunal, was also rejected by the Tribunal as no grounds seeking review of the order had been pleaded.

5. Before us also the learned counsel for the petitioners has only urged the point that the respondents have wrongly not reduced the pass percentage from 35% to 30%.

6. If this being the only ground urged before us and noting the fact that the learned counsel for the petitioners has not pressed the said challenge before the Tribunal, we are of the view, the plea is not sustainable as the petitioners despite knowing participated in the selection process, cannot challenge the non-reduction of the minimum qualifying marks.

7. We do not find any merit in the petition, the same is dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 16, 2024/akr