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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3306/2024

ABHISHEK TIWARI

..... Petitioner

Through: Ms.Aditi Anil Dani, Adv.

Versus

CENTRAL BUREAU OF INVESTIGATION AND ANR.

..... Respondents

Through: Mr.Ravi Sharma, SPP with Mr.Anjani
Kumar Rai, Mr.Praphull Kumar, Ms.Madhulika
Rai Sharma, Advs for R-1.

Mr.Ravinder Agarwal with Mr.Lekh Raj Singh,
Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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06.03.2024

CM APPL. 13612/2024 -Ex.

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

W.P.(C) 3306/2024 & CM APPL. 13613/2024 -Dir.

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks the following reliefs:-

“a. Issue appropriate writ/direction to the Respondents to permit the Petitioner to appear in the CBI (Deputy Superintendent Of Police), Limited Departmental Competitive Examination 2023 to be held by Respondent No.2 on 16th & 17th March, 2024 subject to final adjudication of the O.A. No. 1289/ 2022 before the Hon'ble Central Administrative Tribunal;



b. Issue appropriate writ/directions to the Respondents to accept the application of the Petitioner to appear in the CBI (Deputy Superintendent Of Police), Limited Departmental Competitive Examination 2023 in such mode and manner (online and/or physical) as would be expedient;
c. Pass any such other order / directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

4. Learned counsel for the petitioner submits that the petitioner has been wrongly dismissed from service, which dismissal order has already been challenged before the learned Tribunal by way of O.A.1289/2022, which is pending adjudication. However, taking into account that the respondents are proposing to hold a Departmental Examination for considering candidates for promotion to the rank of DSP and the petitioner is hopeful that he will succeed in his aforesaid O.A., he may, subject to outcome of his O.A, be granted permission to appear in the said examination.
5. We fail to appreciate as to how this prayer can be entertained by this Court, when the petitioner's O.A. assailing the very dismissal order is pending before the learned Tribunal. We are, therefore, of the opinion that the remedy, if any, of the petitioner is to approach the learned Tribunal by way of an interim application in his pending O.A. or by way of any other appropriate proceedings before the learned Tribunal.
6. At this stage, learned counsel for the petitioner submits that the petitioner's aforesaid O.A. is listed for hearing before the learned Tribunal today itself. If that be so, we request the learned Tribunal that, in case, an application seeking interim relief as sought before us is filed by the petitioner, the same be considered as expeditiously as



possible so that the relief sought by the petitioner is not rendered infructuous.

7. The petition along with pending application stands disposed of in the aforesaid terms.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 6, 2024

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