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

+ **W.P.(C) 4762/2024**

KAMAKHYA KUMAR

..... Petitioner

Through: Mr.T.D.Yadav, Adv. along with the
petitioner in person.

versus

STAFF SELECTION COMMISSION & ORS. Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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02.04.2024

CM APPL. 19486/2024

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

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3. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 31.01.2024 passed by the learned Central Administrative Tribunal (Tribunal) in M.A. No. 297/2024 insofar as it rejects the petitioner's application for interim relief wherein, he had sought a direction to the respondents to reserve one post of ASI (Radio Technician) bearing code No. NW 12521 under OBC category for him besides seeking permission to permit him to participate in the PE/ME exam, which was scheduled to be held on 20.01.2024.



4. Upon being queried, learned counsel for the petitioner concedes that the PE/ME for the said post has already been conducted but the petitioner's original application (OA) wherein he has challenged the rejection and his candidature is still to be decided.
5. In the light of this factual position, we are of the view that since the petitioner's OA, wherein he has challenged the rejection of his candidature, is still pending consideration before the learned Tribunal and the PE/ME has already been completed on 20.01.2024, it would not be in the interest of justice to grant any interim relief to the petitioner at this belated stage.
6. We, therefore, find no reason to interfere with the impugned order. It is, however, made clear that in case, the petitioner succeeds before the learned Tribunal in his pending OA, it will be open for the learned Tribunal to direct the respondents to carry out the necessary PE/ME test for the petitioner. Furthermore, taking into account that the petitioner's challenge to the rejection of his candidature is still pending consideration before the Tribunal, the appointment of the last candidate under the OBC category to the post of ASI (Radio Technician) bearing code No. NW 12521 will remain subject to outcome of the OA. Consequently, it will be the responsibility of the respondent to inform the concerned candidate that his appointment to the post of ASI (Radio Technician) would remain subject to the outcome of the petitioner's original application being O.A.No.149/2024 pending before the learned Tribunal.
7. The petition stands disposed of with the aforesaid directions. Since despite advance service none appears for the respondents, a copy of



this order be forwarded to the respondents for information and compliance.

REKHA PALLI, J

DR. SUDHIR KUMAR JAIN, J

APRIL 2, 2024

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