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

+ W.P.(C) 5006/2024

VIPIN KUMAR

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Raj Kumar, CGSC (*through
video conferencing*).

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE DR. SUDHIR KUMAR JAIN

ORDER

05.04.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 07.11.2023 passed by the learned Central Administrative Tribunal in O. A. No. 3992/2018. Vide the impugned order, the learned Tribunal has dismissed the original application filed by the petitioner/applicant on the ground of delay as also on merits.

2. 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 has failed to appreciate that similarly placed persons were granted relief as late as in the year 2017 and, therefore, the same benefits ought to have been extended to the petitioner.

3. Having considered the submissions of the petitioner and



perused the records, we may begin by noting the relevant extracts of the impugned order which read as under:-

“5.4 Moreover, the learned counsel for the respondents, referring to Surjit Singh’s case (supra), mentions that as the relevant records of CGLE, 2011 have been weeded out, there is no question of re-evaluation of the paper of the present applicant. The Hon’ble High Court of Punjab and Haryana in Surjit Singh’s case (supra) has held that:

“5. There was no interim order secured by the petitioner either from the Delhi High Court which had no territorial jurisdiction or by this Court for preservation of record to await outcome of a case in a direct recruitment of such magnitude where around fifty thousand Constables were selected and appointed in different Paramilitary Forces in India, including CRPF, BSF, ITBP, CISE and SSB through a combined test all of whom have been deployed in their respective organizations as per merit and preference presently serving in different parts of country for the last about six years. It would be ridiculous I think to even consider entering legal province of reasoning to try to inject the petitioner in Central Govt. service of one of the paramilitary forces by a writ of mandamus.

6. In view of the above factual position, I refuse to exercise extraordinary writ jurisdiction in this case as no substantial injustice has been done to the petitioner which requires the respondents to make amends.

5.5 Learned counsel for the respondents avers that in the instant case the records of CGLE, 2011 have been weeded out. In analogy with the judgment of the Hon’ble High Court of Punjab and Haryana in Surjit Singh’s case (supra), it will be ridiculous to grant any relief to the applicant for re- evaluation of the papers or giving another chance to appear in a fresh exam or to conduct a special exam for the applicant.

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6.3 In the instant case, the applicant has approached the respondents in the year 2018 for re-evaluation of his paper and rank based on the directions of this Tribunal vide order dated 21.02.2017 in OA 215/2017. The applicant has never approached the respondents prior to this judgment of the Tribunal. After learning that the applicants therein have got the relief, he approached the respondents with his representation dated 18.05.2018. By that time, the respondents have followed schedule of retention of papers of examination and weeded out the record of CGLE, 2011.



6.4 We agree that the ratio of the judgment in Surjit Singh (supra) case is squarely applicable in the instant case. There is no interim order in the instant case to preserve the examination papers relating to aforesaid examination of 2011. In view of that, the ratio of the judgment in OA 215/2017 is not applicable in the instant case as the facts and circumstances in the instant case are significantly different than those obtaining in the said OA. Furthermore, the judgment of the Tribunal in OA 215/2017 as upheld by the Hon'ble Delhi High Court in W.P.(C) 4829/2017 vide order dated 10.08.2017 has been stayed by the Hon'ble Apex Court in SLP No.18743/2018 vide order dated 23.07.2018."

4. In the light of the aforesaid findings of the learned Tribunal and taking into account the admitted position that the petitioner had till the year 2018 not raised any grievance qua the Combined Graduate Level Examination held in the year 2011, the result whereof was declared on 01.10.2011, we are of the view that the learned Tribunal was justified in rejecting the O. A. on the ground of delay itself. We find that while rejecting the O.A., the learned Tribunal had taken into account that the records of the exam stood weeded out by the time the petitioner approached the Tribunal. In our considered view, the selection process pertaining to such an examination as in the present case is required to be conducted and completed expeditiously. Merely because some other similarly placed candidates who had approached the Tribunal in time were granted relief in the year 2017, could not be a ground to reopen the petitioner's case in 2018 when he, for the first time, approached the Tribunal as by then the records already had been weeded out. The petitioner being a fence sitter has himself only to blame for weeding out of his records during this period of 7 years.



5. In the light of the aforesaid, we find no infirmity in the impugned order. As we are of the view that the petitioner's O. A. was liable to be dismissed on the ground of delay itself, we are refraining from examining the merits of the petitioner's claim.

6. The writ petition being meritless is, accordingly, dismissed.

REKHA PALLI, J

DR. SUDHIR KUMAR JAIN, J

APRIL 5, 2024

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