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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6088/2024**
DELHI SUBORDINATE SERVICES SELECTION BOARD DSSSB
AND ANR Petitioners

Through: Mr. Sujeet Kumar Mishra, Advocate

versus

PARAS GOEL Respondent
Through: Mrs. Avnish Ahlawat, Advocate

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
01.05.2024

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1. The present petition under Article 226 of the Constitution of India seeks to assail the order dated 04.12.2023 passed by the learned Central Administrative Tribunal in OA No.4372/2017. Vide the impugned order, the learned Tribunal has, by relying on its decision in OA No. 708/2019 titled *Arvind Dabas & Ors vs GNCTD & Ors*, allowed the Original Application filed by the respondent, thereby quashing the upholding notice dated 10.11.2017, whereunder the candidature of the respondent for the post of TGT (Computer Science) was rejected.

2. Learned counsel for the petitioners submits that the impugned order is liable to be set aside as the learned Tribunal has failed to appreciate that the factual matrix of the present case is different from the position in *Arvind Dabas* (supra), wherein, unlike the respondent in the present case who possesses a B.Tech degree in Software Engineering, the applicant therein was holding a master's degree.



3. From a perusal of the impugned order, we find that this plea that the decision in *Arvind Dabas* (supra) is not applicable to the present case on account of the difference in qualification was not taken by the petitioners before the learned Tribunal. When faced with this position, learned counsel for the petitioners prays for leave to withdraw the present petition with liberty to approach the learned Tribunal by way of a review petition.

4. The writ petition is, accordingly, dismissed as withdrawn, with liberty as prayed for making it clear that if a review petition is preferred by the petitioners within two weeks from today, the same would be considered on merits and not be rejected on the ground of delay.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 1, 2024/So