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

+ **W.P.(C) 6312/2024**

OM PRAKASH BISWAS

..... Petitioner

Through: Mr. Saurabh Agrawal, Ms. Komal Mundhra and Ms. Vanshika Dubey, Advocates.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED

..... Respondent

Through: Mr. Shivendra Singh and Mr. Bikram Dwivedi, Advocate for respondent/non-applicant.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

27.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 31403/2024

1. This is an application under Section 151 of CPC, 1908 seeking rectification of certain portions of the judgment dated 06.05.2024, passed by this Court in W.P.(C) No.6312/2024.
2. Learned counsel for the petitioner/applicant points out that in paras 2 and 9 of the judgment dated 06.05.2024, this Court has inadvertently recorded that the petitioner is seeking promotion from E0 Grade to E2 grade, whereas the petitioner is currently serving in E1 grade since 25.01.2018 and as such, the said observation would be incorrect.
3. That apart, learned counsel also points out another error in para 3 of the judgment dated 06.05.2024, whereby it has been incorrectly recorded that the petitioner had challenged the Computer Based Test



(CBT) dated 03.11.2023, whereas the applicant/petitioner had challenged the examination dated 18.03.2023.

4. This Court has also perused the records and is of the opinion that the application brings out the correct facts. Accordingly, the corrections in paras 2 and 9 in regard to the observation that the “*the petitioner is seeking promotion from E0 grade to E2 grade*” be replaced with “***the petitioner is seeking promotion from E1 grade to E2 grade***”, in both the paragraphs. So corrected, paras 2 & 9 would read as under:

“2. It is the case of the petitioner that the petitioner had participated in the Departmental Promotion Examination for the purpose of promotion from grade E-1 to E-2 grade in Cluster D of Signaling and Telecommunication Department.”

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“9. According to the present facts as brought before the Court, it appears that the case of the petitioner in the light of DoPT notification dated 21.01.1977 noted above, may need consideration by the respondent. It is also apparent that the respondent has not considered the representation dated 20.06.2023 and 05.09.2023 submitted by the petitioner who is already a member of service of the respondent holding the post of E-1 Grade.”

5. In so far as, the inadvertent observation in para 3 of the judgment dated 06.05.2024 is concerned, this Court had noted that petitioner had challenged the computer based test (CBT) dated 03.11.2023, whereas it is correct that the applicant/petitioner had challenged the examination dated 18.03.2023. The said correction to said paragraph be carried out. After necessary rectification, the



corrected para 3 of the judgment would read as under:

“3. Petitioner is stated to be a Scheduled Caste candidate and had by participating the examination scored 59 marks out of 100 questions of the Computer Based Test Examination held on 18.03.2023. Consequent to the objections sought for by the respondent, it was found that 18 questions were out of syllabus and owing to such information, the marks of the candidates were normalized across the board.”

6. A corrigendum be taken out of the corrected portions and the amended copy of the judgment be uploaded on the website.
7. Application is disposed of in above terms.

TUSHAR RAO GEDELA, J

MAY 27, 2024
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