



\$~62

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

+ **W.P.(C) 6855/2024**

YOGESH

..... Petitioner

Through: Mr.Mukesh Kumar, Mr.Ashish
Pandey, Mr.Srikant Singh, Mr.Anurag Pandey &
Mr.Akash, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Premtosh K Mishra, CGSC with
Mr.Chitvan Singhal, Mr.Manish Vashisht &
Mr.Vikramaditya Pandey, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

14.05.2024

CM APPL. 28594/2024

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

W.P.(C) 6855/2024 & CM APPL. 28595/2024 (stay)

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 19.03.2019 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.671/2016. Vide the impugned order, the learned Tribunal has dismissed the original application (OA) filed by the petitioner wherein, he had assailed the rejection of his candidature by the respondent on account of there being a mismatch between his handwriting and signatures on the application form *vis-a-vis* his signatures and handwriting on the OMR sheet.



4. The only premise on which the present petition has now been filed is that this Court has allowed certain petitions filed by similarly placed candidates by accepting their request to get the matter examined by the Central Forensic Science Laboratory (CFSL), wherein it has now been reported that there was no mismatch in the handwriting and signatures of those candidates. Learned counsel for the petitioner, therefore, prays that the impugned order be set aside and the respondents be directed to get the petitioner's handwriting and, signatures also examined by the CFSL.
5. On the other hand, learned counsel for the respondents, who appears on advance notice, opposes the petition and submits that the present petition is liable to be dismissed on the ground of delay and laches itself as the petitioner has approached this Court after more than four years of the dismissal of his OA. He submits that the examination in question pertains to the year 2014 and, all vacancies stand filled many years ago and, therefore; the same should not be disturbed at this belated stage at the behest of the petitioner who had, without any demur, accepted the Tribunal's decision for four years. He, therefore, prays that the writ petition be dismissed.
6. Having considered the submissions of learned counsel for the parties, we are inclined to agree with the respondents as we are of the view that a selection process, which had attained finality in 2014 cannot be permitted to be re-opened at this belated stage. The respondents are correct in urging that the petitioner having not assailed the Tribunal's judgement for almost four years ought not to be permitted to seek benefit of the decision in favour of other candidates, who were



vigilant and had approached the Court in time. Entertaining such a belated claim of the petitioner will disturb the whole selection process which has already attained finality.

7. For the aforesaid reasons, we find no ground to interfere with the impugned order. The writ petition is, accordingly, dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 14, 2024/kk