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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9964/2023**

KENDRIYA VIDYALAYA SANGATHANPetitioner
Through: **Mr. Shubhranshu Padhi, Adv.**

versus

MS. ARCHANA & ANR.Respondents
Through: **Ms. Aanchal Anand, Adv. for R-1.**
Mr. K. D. Sharma, SPC for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
% **26.07.2024**

CM APPL. 42250/2024—Exp.

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

CM APPL. 42251/2024—26 days delay in filing review

3. This is an application filed by the petitioner seeking condonation of 26 days of delay in filing the review petition.
4. The application is, for the reasons stated therein, allowed. Consequently, the delay of 26 days in filing the review petition stands condoned.
5. The application stands disposed of.

REVIEW PET. 277/2024—filed by petitioner to review the order dt. 22.04.2024

6. The present review petition has been filed by the petitioner seeking



review of order dated 22.04.2024 vide which the writ petition was disposed of by directing the petitioner to comply with the order dated 24.11.2022 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 124/2021. It was, however, made clear that the appointment of the respondents would remain subject to the outcome of Special Leave Petition (Civil) Nos. 18751/2023 and 18752/2023.

7. Learned counsel for the petitioner submits that even though the said SLPs are still pending consideration, the issue raised in the present matter had already been decided against the respondents by way of Apex Court's decision dated 11.08.2023 in Civil Appeal No. 5068/2023 titled as "***Devesh Sharma vs. Union of India & Ors.***", which fact could not be brought to the notice of this Court at the time of disposal of the writ petition. He, therefore, prays that the order dated 22.04.2024 be reviewed and the Tribunal's order dated 24.11.2022 be set aside.

8. On the other hand, Ms. Aanchal Anand, learned counsel for respondent no. 1, who appears on advance notice, vehemently denies that the issue raised in ***Devesh Sharma vs. Union of India & Ors.*** (supra) is identical to the issue raised in the present case. She further submits that as observed by this Court on 22.04.2024, the issue raised in the present matter is still pending consideration before the Apex Court in SLP (Civil) Nos. 18751/2023 and 18752/2023.

9. Having considered the submissions of learned counsel for the parties, we are of the view that since the grounds raised by the petitioner would not fall within the ambit of review jurisdiction especially when the petitioner has not been able to point out as to why the order of the Apex Court in ***Devesh Sharma*** (supra) was not brought to the notice of this Court on 22.04.2024,



the date when the writ petition was disposed of.

10. Review petition is accordingly dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 26, 2024/ss