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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7476/2024

PRIYANKA AND ORS

..... Petitioners

Through: Mr.Samyak Gangwal & Ms.Kavya
Pahwa, Advs.

versus

KENDRIYA VIDYALAYA SANGATHAN AND ANR

..... Respondents

Through: Mr.S.Rajappa, Adv.
Mr.Sahil Vijayran, Ms.Perna Chaudhary &
Ms.Ria Thukral, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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22.05.2024

CM APPL. 31059/2024 & CM APPL. 31060/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 7476/2024 & CM APPL. 31058/2024 (interim relief)

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 05.03.2024 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.830/2024. Vide the impugned order, the learned Tribunal has rejected the petitioners' application being MA No.762/2024, vide which the petitioners were seeking amendment of the memo of parties



by deleting seven applicants and impleading two new applicants. Consequently, the learned Tribunal has, vide the impugned order, also rejected the original application (OA). The petitioners also assail the order dated 06.05.2024, vide which their review application being RA No.37/2004 has been dismissed by the learned Tribunal.

4. Issue notice. Learned counsel for the respondent accepts notice and submits that while he has no objection to the amendment of memo of parties being sought by the petitioners, they were required to file a proper memo of parties with names of all the applicants, which they failed to do so and therefore, the learned Tribunal had no other option but to dismiss the MA as also the OA.
5. In our view, even though Mr.S.Rajappa, learned counsel for the respondents, is correct in urging that it was for the petitioners to have filed a proper memo of parties before the learned Tribunal as per the amendment being sought by them, the rejection of the OA itself by the learned Tribunal only on this technical ground was wholly unwarranted. We, therefore, set aside the impugned order and allow MA No.762/2024 by permitting the petitioners to delete the seven applicants referred to in paragraph no.3 of the application and add the two applicants mentioned in paragraph no.5 of the same. Consequently, the authority letters issued by all the applicants filed along with the application will be taken on record and OA no. 830/2014 will be restored to its original position. Amended memo of parties, in terms of this order, be filed before the learned Tribunal by the petitioners within two weeks.



6. List before the learned Tribunal for consideration as per law on
15.07.2024

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 22, 2024/kk