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

+ W.P.(C) 13214/2023

RAM SWARUP SAINI

..... Petitioner

Through: Mr. Somnath Bhattacharya and Mr.
Pradeep Kr. Tripathi, Advs.

versus

STAFF SELECTION COMMISSION

..... Respondent

Through: Ms. Shubhra Parashar, Mr. Dipesh
Chaudhary, Mr. Virender Partap
Charak and Mr. Deepak Mahajan,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

07.02.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 11.04.2023 passed by the learned Central Administrative Tribunal in O.A. No.4739/2015. Vide the impugned order, the learned Tribunal has rejected the petitioner's challenge to the order dated 18.12.2015, whereunder his candidature as an OBC category in the examination held by the Staff Selection Commission for recruitment to the post of Sub Inspector in Delhi, Central Armed Police Forces (CAPFs) and Assistant Sub Inspector in CISF on 21.06.2015, was rejected.

2. On the last date, learned counsel for the petitioner had urged that the impugned order was perverse as the learned Tribunal had failed to consider his OBC certificate dated 26.06.2015, which it was contended was submitted



by him to the respondent well within time. Learned counsel for the respondent had, however, submitted that the said certificate was never produced before the learned Tribunal and therefore, the Tribunal could not be faulted for not taking into account the same while passing the impugned order. In the light of this plea of the respondent, the matter was adjourned to enable the learned counsel for the petitioner to obtain instructions.

3. Today, he submits that he has instructions to state that the said OBC certificate dated 26.06.2015 though submitted to the respondent, was not produced by the petitioner before the learned Tribunal. He, therefore, seeks leave to withdraw the present petition, with liberty to approach the learned Tribunal to seek review of the impugned order.

4. In the light of the aforesaid, the petition is dismissed as not pressed, with liberty to the petitioner to approach the learned Tribunal by way of a review petition. It is directed that in case a review petition is filed by the petitioner within two weeks from today, the same will be considered by the learned Tribunal on its own merits and not dismissed on the ground of delay.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 7, 2024/AT