



2024:DHC:6936-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Decision delivered on: 06.09.2024**+ **W.P.(C) 12508/2024 & CM APPL. 51956/2024****STAFF SELECTION COMMISSION**

.....Petitioner

Through: Mr. Hemant Kumar Yadav,  
Advocate

versus

**AMITABH YADAV & ORS.**

.....Respondents

Through: Ms. Shobha Gupta, Senior counsel  
with Mr. Kawinarpon  
Chanenamei, Advocate**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE GIRISH KATHPALIA****J U D G M E N T (O R A L)****CM APPL. 51955/2024**

1. Allowed, subject to all just exceptions.
2. Accordingly, aforesaid applications stand disposed of.

**W.P.(C) 12508/2024 & CM APPL. 51956/2024**

3. By way of the present writ petition filed under Articles 226 of the Constitution of India, the petitioner has sought the following reliefs:

*1. Issue a Writ against the Order dated 18.08.2023 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in*

W.P.(C) 12508/2024

Page 1 of 3 pages



*Original Application No. 1424 of 2018 to set aside and quash the same; and*

4. Noticed issued.
5. Advocate Kawinarpon Chanenamei accepts notice on behalf of respondents.
6. Before the learned Tribunal, counsel appearing on behalf of the petitioner herein submitted that the petitioner was not aware as to which zone, the candidate as per his merit-cum-preference is likely to get, on being considered to be a candidate of OBC category in the aforesaid selection process.
7. Accordingly, learned counsel for petitioner submitted that the OA can be disposed of with a direction to the petitioner to consider the candidature of the respondent no.1 in the aforesaid selection process in question, as a candidate belonging to OBC category and thereafter allocate service/department/organization/zone in accordance with his merit-cum-preference under the OBC category with a further direction to the concerned department to grant consequential relief.
8. To the aforesaid, learned counsel for applicant/respondent no.1 herein had no objection if the OA was disposed of in the terms as suggested by the learned counsel for the petitioner herein.
9. Accordingly, learned Tribunal, with the consent of the learned counsels for the parties, passed the order as under:

*i) to respondent no.3 to consider the candidature of the applicant as a candidate belonging to OBC in the aforesaid selection process and make recommendation for the relevant service/ post/*



*organization/ cadre and the zone of such service/ cadre keeping in view merit-cum-preference of the applicant treating him belonging to OBC category;*

*ii) to the concerned department/organization of respondents no. 1 and 2 to give consequential benefits in terms of decision/recommendation of respondent no.3 from the date when the immediate junior of the applicant in the relevant merit list has got the benefit; and*

*iii) the aforesaid exercise shall be completed by the respondents as expeditiously as possible and preferably within 12 weeks from the date of receipt of a copy of this order.*

10. Since the said order is a consent order, we find no ground to interfere with the same. The petition is, therefore, dismissed.

11. The petitioner is directed to comply with the order passed by the learned Tribunal within four weeks from today.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(GIRISH KATHPALIA)**  
**JUDGE**

**SEPTEMBER 6, 2024/as**