



2025:DHC:1424-DB



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

+ **W.P.(C) 2589/2025 & CM APPL. 12307/2025**

USHA

.....Petitioner

Through: Mr. S.N. Sharma, Adv.

versus

DSSSB & ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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03.03.2025

C.HARI SHANKAR, J.

1. This writ petition is directed against an order dated 11 September 2024 passed by the Central Administrative Tribunal¹, whereby the Tribunal has refused to condone the delay of 620 days in filing the OA 845/2024 and has therefore dismissed the OA on the ground of delay.

2. Section 21 of the Administrative Tribunals Act, 1985, permits an OA to be filed within one year of the arising of the cause of action.

¹ "the Tribunal", hereinafter



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3. The result of the examination with which the petitioner was aggrieved was declared on 9 April 2019. The petitioner's grievance is that she had not been short-listed for the post of Educational and Vocational Guidance Counsellor A (EVGC) for which the selection was held.

4. Reckoned from 9 April 2019, one year would elapse on 8 April 2020. The OA came to be filed on 19 February 2024.

5. Mr. S.N. Sharma, learned Counsel for the petitioner, submits that, by 8 April 2020, the COVID-19 pandemic had struck and, therefore, the petitioner would be entitled to the benefit of extension of the period of limitation during the currency of the pandemic applying the orders passed by the Supreme Court in *Cognizance for Extension of Limitation, In re*²

6. Even reckoned on that count, the amnesty available to the petitioner on account of the COVID-19 pandemic would come to an end on 28 February 2022. The OA has come to be filed on 19 February 2024, nearly two years thereafter.

7. Apropos this period, Mr Sharma submits that the petitioner's mother-in-law was operated for cancer.

8. Mr. Sharma has shown us the prescription which indicates that



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the petitioner's mother-in-law was operated in August 2022.

9. There is no scintilla of material anywhere on the record to explain the delay from August 2022 till February 2024.

10. Mr. Sharma has also drawn our attention to a discharge card indicating that the petitioner's mother was hospitalised for two days between 4 December 2022 and 6 December 2022.

11. Clearly, the Tribunal is right in its view that there is no reasonable explanation for the delay from August 2022 till February 2024 when the OA came to be filed.

12. Mr. Sharma's contention is that the petitioner's mother-in-law is under continuous treatment and that the petitioner is a working lady with a small child.

13. These factors, in our view, in the absence of any other cogent material which would make out a case of inability on the petitioner's part to approach the Tribunal for nearly a year and a half between August 2022 and February 2024, cannot make out any case for condonation of delay.

14. We are not sitting in appeal over the judgment of the Tribunal. We exercise certiorari jurisdiction. The limits of certiorari jurisdiction are well-known.

² (2022) 3 SCC 117



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15. We cannot substitute our view for the view held by the Tribunal especially in matters of discretion such as the decision to condone or not to condone the delay.

16. In such matters, it is only if the Tribunal has acted in a patently illegal manner that this Court can step in.

17. We, therefore, find no reason to interfere with the impugned judgment of the Tribunal which stands affirmed in its entirety.

18. The writ petition is, accordingly, dismissed in *limine*.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 3, 2025/AS

Click here to check corrigendum, if any