



2025:DHC:2747-DB



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

Date of decision: 16.04.2025

+ **W.P.(C) 4766/2025**
CHINKI

.....Petitioner

Through: Mr.Ankit Sinsinwar, Mr.Ravi
Kumar, Ms.Neha Yadav,
Mr.Hemant Baisla, Advs.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ANR.

.....Respondents

Through: Mr.VSR Krishna,
Mr.V.Shashank Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 21963/2025 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4766/2025 & CM APPL. 21962/2025

2. This petition has been filed by the petitioner challenging the order dated 28.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal') in OA no.1139/2025, titled ***Chinki v. AIIMS***, whereby the learned Tribunal had issued notice on the said OA filed by the petitioner herein, however, refused to grant an *interim* relief to the petitioner.



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3. The petitioner has filed the above OA before the learned Tribunal contending therein that he had applied for the post of OT Assistant pursuant to the advertisement dated 01.04.2023 issued by the respondent no.1. The result of the same was declared by the respondents on 26.09.2023. In the merit list declared by the respondents subsequently on 01.10.2023, the petitioner found that she had secured 67 marks and was placed on an All India Rank of 34 in the examination. As there were only 28 seats in the unreserved category, she felt that she would not meet the select list. She, however, later found on her e-mail account an e-mail dated 05.08.2024 addressed by the respondent no.1 to the petitioner asking her to report for documents verification within ten days, failing which her candidature shall be treated as cancelled. The petitioner immediately approached the respondents and informed how she had missed the e-mail and that she had not received any other intimation about the offer of appointment. The respondents, however, rejected her representation.
4. The petitioner claimed that the respondents have further issued another advertisement for recruitment process on 07.01.2025, because of which the petitioner filed the above OA, and in the OA, also requested that at least an *interim* protection, in so far as the new process of selection being subject to the outcome of the OA, should be granted. The petitioner further prayed that any person, if at all, who had been appointed to the subject post in



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replacement of the petitioner, his/her appointment should be made subject to the outcome of the OA.

5. The learned Tribunal, however, by the impugned order rejected the *interim* prayer of the petitioner, aggrieved of which, the petitioner has filed the present petition.
6. The learned counsel for the petitioner reiterates the above prayers and states that the new recruitment process or the appointment of any other person, if at all made against the post offered to the petitioner, should be made subject to the outcome of the OA, so that, in case the petitioner succeeds, the proper relief can be granted to her.
7. We have considered the submissions made by the learned counsel for the petitioner.
8. The petition as noted hereinabove is against refusal of an *interim* order by the learned Tribunal. The jurisdiction of this Court in exercise of its powers under Article 226 of the Constitution of India is therefore, rather limited and confined only to see if there is any jurisdictional error committed by the learned Tribunal in passing the impugned order; it does not extend to replacing its own discretion with that of the learned Tribunal.
9. We may herein also note that the OA has been directed to be listed by the learned Tribunal on 26.05.2025, awaiting the response from the respondents.
10. It is also apparent from averments of the petitioner itself, that an e-mail dated 05.08.2024 had been addressed to the petitioner by



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the respondents, offering her appointment to the applied post and calling upon her to appear for the documents verification within ten days. The petitioner herself states that it is only because her own e-mail inbox was full, that she did not see the said e-mail before 10.11.2024, by when the time period for her appearance had already lapsed.

11. In these peculiar facts, no fault can be found in the learned Tribunal refusing to grant any *interim* protection against a person who may have been appointed in place of the petitioner.
12. No direction can also be passed against the subsequent recruitment process that has been initiated by the respondents as the same would put a cloud on the recruitment process. In case the petitioner is to eventually succeed in her OA, appropriate relief can always be granted by the learned Tribunal.
13. Accordingly, we find no merit in the present petition. The same is dismissed. Pending application also stands dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 16, 2025
RN/VS

Click here to check corrigendum, if any