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

+ **CONT.CAS(C) 590/2025&CM APPL. 23079/2025**

NILESH KUMAR CHAUDHARYPetitioner

Through: Mr. Nishant, Adv. Through VC.
versus

UNION OF INDIA AND ANOTHERRespondents

Through: Mr. Digvijay Raik, SC, Mr. Archit Mishra, Mr. Jayesh Bhargava, JE (Law), AAI. For R-2/AAI.
Mr. Farman Ali, SPC, Ms. Laavanya Kaushik, Govt. Pleader, Ms. Usha Samnal, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **29.07.2025**

1. This hearing has been done through hybrid mode.
2. This petition has been filed alleging wilful disobedience of order dated 04.09. 2024 in W.P. (C) 8888/2024. The relevant part of the order is as under:

“11. In view of the aforesaid, this writ petition is allowed to the extent of declaring that Petitioner has correctly attempted question ID No. 630680529924 and is entitled to one raw score on this count. It is, therefore, directed that Petitioner will be called for the remaining tests, if any, in accordance with the procedure of selection laid down in the advertisement and in case, he successfully clears the said tests, offer of appointment shall be issued to the Petitioner with resultant consequential benefits. This entire exercise will be completed within a period of three weeks from today.”

3. Response to the present petition has been filed by the respondent wherein it has been recorded as under: -



“10. That in compliance of the judgment passed by this Hon'ble Court, the correct option ID for the said question was considered for all candidates to ensure fair marking and the entire merit list was revised. After the said revision, the revised normalized score of the Petitioner was 99.83 and revised result was published by the Respondent on its website on 28.10.2024.

11. The Petitioner was again shortlisted for consideration in the panel, however, based on the number of vacancies advertised, the cut off for OBC (NCL) category was 99.83. Although the marks obtained by the Petitioner was same as that of cut off marks, but the Petitioner was not selected in the final result as there were other OBC (NCL) candidates who have scored 99.83 marks but were higher in the merit order than the Petitioner. The said situation arose because the tie breaking criteria adopted by the Respondent in case of equal marks is as under:

- a. Total Marks in CBT (Candidate scoring higher marks is to be ranked higher).
- b. D.O.B (In case marks mentioned at (a) are equal, the candidate senior in age is to be ranked higher).
- c. Part-B Marks i.e. Subject Knowledge (in the case where the (a) & (b) are the same, then the candidate scoring more marks in Part-B paper is to be ranked higher).
- d. Percentage of marks in Degree exam (In the case where the (a), (b) & (c) are the same, then the candidate scoring more marks in the degree exam is to be ranked higher).
- e. Registration no. of the candidate (In case (a), (b), (c) & (d) are the same, then the candidate with lower registration no, will be ranked higher).

12. Therefore, in the first list of revised final list issued on 17.12.2024, the Petitioner, though in the merit panel drawn for the recruitment, was not selected and the Petitioner filed the instant contempt petition alleging contempt of the Judgment dated 04.09.2024, passed in WP (C) No. 8888 of 2024. However, on 09.05.2025, second list was published, in which the cut off marks for OBC (NCL) category was 99.00 and since, the Petitioner scored 99.83, therefore, on 23.05.2025, provisional offer of appointment for the post of Junior Executive (Air Traffic Control) was issued to the Petitioner. Copy of the Second List dated 09.05.2025 is annexed herewith and marked as ANNEXURE-R-1. Copy of the provisional offer of appointment for Junior Executive (Air Traffic Control) dated 23.05.2025 is annexed herewith and marked as



ANNEXURE-R-2.”

4. In view of the above, learned counsel appearing on behalf of the petitioner does not want to press the present petition.
5. The petition is disposed of as not pressed.
6. Pending application if any also stand disposed of.
7. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JULY 29, 2025/kr/sp