



**Central Administrative Tribunal  
Principal Bench**

**OA No. 1408/2017**

New Delhi, this the 12<sup>th</sup> day of February, 2020

**Hon'ble Mr. S.N. Terdal, Member (J)  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. N.K. Jha (Roll No. 84026488)  
Aged about 39 years  
S/o Late Sh. Uma Kant Jha  
R/o E-73, 1<sup>st</sup> Floor, Guru Nanakpura  
Jail Road, Delhi – 110058.
2. Praveen Deolia (Roll No. 84026489)  
Aged about 39 years  
S/o Sh. B.M. Deolia  
R/o 8/3, 1<sup>st</sup> Floor, Front Portion  
Roop Nagar, Delhi – 110007.

...Applicants

(By Advocate : Mr. M.K. Bhardwaj)

**Versus**

1. Govt. of NCT of Delhi  
Through its Chief Secretary  
Govt. of NCT of Delhi,  
New Secretariat, I.P. Estate, New Delhi.
2. Delhi Subordinate Service Selection Board  
Through its Chairman,  
FC-18, Institutional Area, Karkardooma, Delhi.
3. North Delhi Municipal Corporation  
Through its Commissioner,  
S.P.M. Marg, Civic Centre, New Delhi.
4. South Delhi Municipal Corporation  
Through its Commissioner,  
S.P.M. Marg, Civic Centre, New Delhi.
5. East Delhi Municipal Corporation  
Through its Commissioner,  
Patparganj, Delhi.

..... Respondents

(By Advocate : Ms. Sumedha Sharma)

## ORDER (ORAL)

**Mr. S.N. Terald :**



Heard Mr. M.K. Bhardwaj, counsel for the applicants and Ms. Sumedha Sharma counsel for respondents, perused the pleadings and all the documents.

2. The relief prayed in this OA are as follows :

- "(i) To declare the action of the respondents in not calling the candidates in the ratio of 1:10 of the advertised vacancies for appearing in TIER-II Examination for appointment to the post of AE (C) as illegal, arbitrary and unjustified and direct the respondents to call the candidates in the ratio of 1:10 to appear in the TIER-II Examination for appointment to the post of AE (C).
- (ii) To declare the action of respondents in not declaring the applicants qualified in the TIER-I Examination inspite of being covered within the ratio of 1:10 of the advertised vacancies as illegal and unjustified and issue consequential directions for declaring the applicants as qualified in TIER-I Examination.
- (iii) To declare the action of respondents in not evolving a fair criteria for the purpose of screening in TIER-I Examination for post code 03/2012 in Municipal Corporation of Delhi as illegal and unjustified and issue appropriate directions for fixing the criteria for the purpose of screening by taking into consideration the extreme delay in issuing admit card and not providing information about holding TIER-I Examination timely.
- (iv) To pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.
- (v) To allow the OA with exemplary cost."



3. By way of an interim order, the applicants were allowed to participate in TIER-I examination for the post of AE (civil), Post Code 03/12.
4. Counsel for the respondents have filed an affidavit stating that the applicants were allowed to appear in the aforesaid examination and they have secured marks less than the cut off marks for the UR category. The relevant portion of the reply dated 02.01.2018 is extracted below :

"Para-3 The petitioners, herein have obtained marks in the Tier-I for the post of AE (Civil), Post Code – 03/12 as per details below :-

**(out of 200 marks)**

Name of candidate	Post code	Category-UR
Nirbhay Kant Jha	03/12	67.50
Praveen Deolia	03/12	67.75

5. In view of the same, OA has become infructuous. Hence, dismissed as having become infructuous.

There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(S.N. Terdal)**  
**Member (J)**

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