

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1358/2021

This the 20th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Mahi Sharma
Age about 20 years
Sub: Recruitment Const. (F)/Group C
D/o Shri Sunil Sharma
R/o Kh No.38/13, Gali No.7
Amrit Vihar, Burari, Delhi-84
(Roll No.2201294613).

..Applicant
(through Advocate: Shri U.Srivastava)

VERSUS

1. The Staff Selection Commission through its Chairman, Lodhi Road, New Delhi.
2. The Delhi Police through the Commissioner of Police
I.T.O., I.P. Estate, New Delhi.
3. The Dy. Commissioner of Police,
Recruitment Cell
New Police Line, Kingsway Camp
Delhi.

... Respondents

(through Advocate: Ms. Esha Mazumdar)



ORDER (Oral)



Hon'ble Mr. R. N. Singh, Member (J):

The present application has been filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following relief (s):-

- “a) Directing the respondents to place the relevant records pertaining to the present OA before their lordships for the proper adjudication in the matter.
- b) Quash and setting aside the Clause 11.19 of Notice ‘Constable (Executive) Male & Female Delhi Police-2020 (Annexure A/1) to the extent whereby the liberty has been granted to the non qualified candidates in physical standards for preferring an appeal but on the same day and thereafter;
- c) Directing the respondents to consider and finalize the appeal of the applicant dt. 09.07.21 followed further on 12.07.21 as well as email dt.13.07.21 immediately as Measurement Test is closing on 28.07.21, after declaring the actions of the respondents not to considering the finalizing the same/request of the applicant for reassessment of her height accordingly considering her case for further selection process is as illegal, unjust, arbitrary, malafide, unconstitutional, deliberate, biased, perverse, against the principles of natural justice, violative of articles 14, 16 & 21 of the constitution of India and against the mandatory provisions of law further.
- d) Allowing the OA of the applicant with costs.
- e) Any other fit and proper relief may also be granted.”

2. Learned counsel for the applicant submits that her appeal has been rejected only on the ground that the same has been preferred by the applicant beyond the time



prescribed for the purpose. However, Ms. Esha Mazumdar, learned counsel, who appears for respondents no.2 & 3 on advance service , under instructions submits that the applicant has preferred the appeal within time, i.e., on the day of rejection of her candidature and keeping in view her appeal she was got re-examined and her candidature was considered and rejected by the appellate authority as the applicant was not meeting the requisite physical standard, particularly height. She further adds that the applicant had put her signature in support of knowing about the decision of the Appellate Authority. However, Shri U. Srivastava, learned counsel submits that the applicant is not having a copy of the same.

3. Learned counsel for the respondents, Ms. Esha Mazumdar submits that a copy of the decision of the appellate authority shall be supplied to the applicant within a week from today.

4. In view of the aforesaid, we are of the considered view that once the decision of the appellate authority itself is not challenged in the present OA nor any relief against such decision of the appellate authority is made, no relief can be granted to the applicant. More so when the applicant

has not even disclosed this fact. Accordingly, OA is dismissed. No costs.



(Aradhana Johri)
Member (A)

(R.N. Singh)
Member (J)

/ravi/cc/uma/anjali/

