



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

**O.A. No. 1870/2021
MA No.2379/2021**

This the 6th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Pushpender,
Aged about 41 years,
S/o. Shri Jai Singh,
R/o. H. No. 14, Gali No. 3,
Sanjay Park, Bawana,
Delhi – 110039.
2. Surender Katri,
Aged about 37 years,
S/o. Shri Rampal Katri,
R/o. H. No. 412, VPO, Katewara,
Delhi – 110039.
3. Jasbir Dabas,
Aged about 36 years,
S/o. Ramkishan Dabas,
R/o. Tau Vihari Marg,
VPO Ladpur,
Delhi – 110081.
4. Ravinder Dabas,
Aged about 37 years,
S/o. Balraj Dabas,
R/o. VPO 637 Pooth Khurd,
Delhi – 110039.
5. Yogesh,
S/o. Sh. Ram Singh,
Aged about 44 years,
R/o. Flat No. 178, First Floor, GH – 5 & 7,
Paschim Vihar, West Delhi,
Delhi – 110087.

...Applicants

(By Advocate: Ms. Sriparna Chatterjee)

Versus

1. Government of NCT of Delhi,
Department of Health & Family Welfare,
Through Secretary (Health),
Delhi Secretariat,
I.P. Estate, New Delhi.
2. Delhi Subordinate Service Selection Board,
Through Chairman,
Govt. of NCT of Delhi,
FC – 18, Institutional Area,
Karkardooma, Delhi – 110092.

...Respondents

(By Advocate: Mr. Amit Anand)

ORDER (ORAL)**Hon'ble Ms. Manjula Das, Chairman****MA No.2379/2021**

1. This MA has been filed by the applicants for joining together in a single Application, which is allowed for the reasons mentioned therein.

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2. This OA has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- “a. Pass an order holding that the exit examination and the manner of the same being conducted is bad and liable to be set aside.
- b. Pass an order or direction cancelling the impugned exit examination held on 31.07.2021 and directing for holding a re-examination, and/or



- c. Pass an order or direction holding that the exist examination be cancelled and merit of the candidates be judged from and on the basis of the Tier II examination.
 - d. Pass any other order or orders that may deem fit in the circumstances of the case.”
3. In this OA the applicants are aggrieved by the exit examination as the rules of the said examination were changed in between resulting in the purpose of the examination being defeated thereby causing prejudice to them who had performed very well in the Tier-I and Tier-II examinations. When only the applicant no.5 was not shortlisted for the exit examination, he was permitted by this Tribunal to appear in the same. The applicants are thus aggrieved with the procedure and manner of conducting the exit examination. It is further stated that the result of the exit examination has not yet been declared.
4. We heard Ms. Sriparna Chatterjee, learned counsel for the applicants and Sh. Amit Anand, learned counsel for the respondents, at the stage of admission.
5. It is noted that the applicants have participated in the examination and without waiting for the result, they have approached this Tribunal. It is well settled that once the applicants participated in the examination,



they cannot challenge the manner and procedure of the same. More so, the result of the examination has not been declared. Hence, we find this OA as not maintainable being premature.

6. With the above observations, the present OA is dismissed being premature. No order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

Lg/rk/anjali/dd