OA No.463/2018
WITH
OA No.464/2018, OA No.465/2018,
OA No.466/2018, OA No.467/2018,
OA No.468/2018, OA No.469/2018,
OA No.470/2018, OA No.471/2018,
OA No.472/2018, OA No.474/2018,
OA No.475/2018, OA No.476/2018,
OA No.477/2018, OA No.478/2018,
OA No.479/2018, OA No.480/2018,
OA No.481/2018, OA No.482/2018
AND
OA No.483/2018

New Delhi, this the 23rd day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

OA No.463/2018

Soma and Others   …applicants
                              Vs.

Govt. of NCT of Delhi and Ors.   ..respondents

OA No.464/2018

Ms. Neelam & Others   ..applicants
                              Vs.

Govt. of NCT of Delhi and Ors.   …respondents

OA No.465/2018

Smt. Neelam Rani   ….applicant
                              Vs.

Govt. of NCT of Delhi and Anr.

                                        ..respondents.

OA No.466/2018

Karuna & Others   ..applicant
                              Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

OA No.467/2018

Rajeev & Anr.   ....applicant

Vs.

Govt. of NCT of Delhi and Anr.

...Respondents

OA No.468/2018

Sh. Sudesh and Ors.   ...applicants

Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

OA No.469/2018

Sh. Ashum Kumar Kharodi and Ors.   ...Applicants

Vs.

Govt. of NCT of Delhi and Anr.

...Respondents

OA No.470/2018

Ms. Savita and Ors.   ...Applicants

Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

OA No.471/2018

Neeraj Kumar Gupta & Others   ...Applicants

Vs.

Govt. of NCT of Delhi and Ors.

Respondents.

OA No.472/2018

Rashmi Dua and Ors.   ...Applicants

Vs.

Govt. of NCT of Delhi and Ors.   ...Respondents

OA No.474/2018

Rashmi and Ors.   …Applicants

                                Vs.

Govt. of NCT of Delhi and Ors.

                                                …Respondents

OA No.475/2018

Sarita Rani & Anr.   …Applicant

                                Vs.

Govt. of NCT of Delhi and Ors.

                                                ..Respondents

OA No.476/2018

Sushobha Yadav

                                                …Applicant

                                Vs.

Govt. of NCT of Delhi & Ors.   …Respondents

OA No.477/2018

Kanika & Ors.   …Applicants

                                Vs.

Govt. of NCT of Delhi and Ors.

                                                ..Respondents

OA No.478/2018

Mrs. Vandana Sharma and Ors.   …Applicants

                                Vs.

Govt. of NCT of Delhi and Ors.

                                                …Respondents

OA No.479/2018

Amit Jayant and Ors.

                                                …Applicants

                                Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

OA No.480/2018

Babita & Ors.   ...Applicant

Vs.

Govt. of NCT of Delhi and Ors.   ..Respondents

OA No.481/2018

Bharti Dhama   ...Applicant
                          Vs.

Govt. of NCT of Delhi and Ors.

..Respondents

OA No.482/2018

Sunil Devi   ...Applicant
                          Vs.

Govt. of NCT of Delhi and Ors.

..Respondents

OA No.483/2018

Renu Dhankhar and Ors.   ...Applicants
                          Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

(Applicants in all the OAs by Advocates: Shri Yogesh Kumar Mahur, Shri Tenzing Thinklay Lepcha for Shri Anuj Agarwal, Shri Ajesh Luthra and Shri J. S. Mann)

(Respondents in all the OAs by Advocates: Mrs. Harvinder Oberoi, Additional Standing Counsel, Shri Amit Anand, Shri K. M. Singh, Shri Anuj Kumar Sharma, Shri Kumar Onkareshwar and Shri Manish Kumar)

ORDER (ORAL)

<u>Justice L. Narasimha Reddy</u>:

Since all these OA are identical in nature, they are disposed of by this common order.

2. These OAs are filed challenging the advertisement issued by the respondents proposing to select candidates for the post of Assistant Teacher (Primary), in so far as it stipulated conditions that disentitle the applicants from appearing in the proposed examination for selection. On various dates, interim orders were passed by this Tribunal directing the respondents to permit the applicants to take part in the examination but it was directed that such appearance shall not be treated as adjudication or determination of any rights.

3. We heard Shri Yogesh Kumar Mahur, Shri Tenzing Thinklay Lepcha for Shri Anuj Agarwal, Shri Ajesh Luthra and Shri J. S. Mann, learned counsel for the applicants and Mrs. Harvinder Oberoi, Additional Standing Counsel, Shri Amit Anand, Shri K. M. Singh, Shri Anuj Kumar Sharma, Shri Kumar Onkareshwar and Shri Manish Kumar, learned counsel for the respondents at length.

4. The applicants felt aggrieved by certain conditions incorporated in the advertisement. While, according to them, the conditions cannot be sustained in law, the respondents plead that they have been incorporated on the basis of the relevant provisions of law as well as the adjudication, that has taken place earlier.

5. The occasion for us to go deep into the issue at this stage would arise if only the results are declared and applicants or some of them come up to the level/zone of selection. It is only with reference to those candidates, who otherwise stand a chance of being selected, that the further particulars or the legality of their claim, can be decided. Pendency of the OA is prone to be an impediment for the entire selection process.

6. We, therefore, dispose of these OAs directing that:

(a) the respondents shall proceed to declare results of the examination which was held in pursuance of the impugned notification/advertisement.

(b) the interim order passed in these OAs, shall not be construed as conferring eligibility upon them, but the same shall be decided by the respondents separately.

(c) in case the applicants or any of them are found to be in the zone of selection, the respondents shall inform such of them through a notice as to how they are not eligible to participate in the selection process, duly indicating the reasons.

(d) the applicants shall be entitled to submit their explanation/representation putting forward their grievance, within 15 days from the date of receipt of such communication.

(d) further steps shall be taken by the respondents as regards the applicants only after passing a reasoned order, on the basis of the notice and reply, if any.

(e) the verification as indicated shall be undertaken along with the results in the examination.

It shall be open to the applicants to approach the Tribunal if their grievance subsists. There shall be no order as to costs.

(Pradeep Kumar)   (Justice L. Narasimha Reddy)
Member(A)   Chairman

/pj/