

**Central Administrative Tribunal
Principal Bench**

OA No.2956/2018

New Delhi, this the 18th day of January, 2019

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

Dr. Renu Pathak, Age 34 years
Applied for the post of
Medical Officer (Homeopathy)
Group 'A', C-12/243, Yamuna Vihar
Delhi-110053.

Also At:
D-8/8138, Vasant Kunj
New Delhi-110070.Applicant

(By Advocate: Shri Kamal Mehta)

Versus

1. Union Public Services Commission
Through its Secretary
Dholpur House,
Shahjahan Road,
New Delhi.
2. Government of NCT of Delhi
Through Chief Secretary
Delhi Secretariat
ITO, New Delhi.
3. Ankit Gupta
(Sl. No. 1 in the Notice of Result)

Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.

4. Ritu Kaushik
(Sl. No. 2 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
5. Prabhjeet Kaur
(Sl. No. 3 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
6. Kanika Jairath
(Sl. No. 4 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
7. Purnima Kadyan
(Sl. No. 5 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
8. Vikas Kumar Verma
(Sl. No. 6 in the Notice of Result)
Through Secretary,
Union Public Services Commission

Dholpur House, Shahjahan Road,
New Delhi.

9. Jasleen Luthra
(Sl. No. 7 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
10. Manika
(Sl. No. 8 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
11. Nazia Nikhat
(Sl. No. 9 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
12. Kundan Kant Chandra
(Sl. No. 10 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.
13. Sruthi K
(Sl. No. 11 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.

14. Abhijit Chakma
(Sl. No. 12 in the Notice of Result)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.

15. Lalit Tyagi
(Sl. No. 1 in Reserve List)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi.

16. Savita Gosain
(Sl. No. 2 in Reserve List)
Through Secretary,
Union Public Services Commission
Dholpur House, Shahjahan Road,
New Delhi. ... Respondents

(Through Advocates: Shri Amit Sinha for Shri R.V. Sinha and Shri Ankur Chhibber)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

This OA is filed with a prayer to set aside the notice of result dated 31.05.2018 published by UPSC on their website.

2. The applicant participated in the competitive examination for selection to the post of Medical Officer (Homeopathy) in the Directorate of Indian System of Medicine and Homeopathy, Health and Family Welfare Department, Government of NCT of Delhi. The advertisement in this behalf was issued on 25.02.2017. The notice, which is challenged in this OA comprised of 12 names. The applicant contends that one Ms. Purnima Kadyan was not eligible but still she has been selected. Another contention is that though the applicant is placed at Sl. No.3 in the waiting list, the candidate at Sl. No.1 in the waiting list by the name Lalit Tyagi, is not eligible and if these two names are omitted, she gets promoted to Sl. No.1 in the wait list.

3. In the body of the OA, an attempt is made to challenge the correctness of two questions in the competitive examination. However, no prayer in that behalf is made in the OA.

4. The respondents filed a counter affidavit stating that the list published on 31.05.2018 is provisional in nature and various aspects are being examined.

5. We heard Shri Kamal Mehta, learned counsel for the applicant and Shri Amit Sinha for Shri R.V. Sinha for Respondent No.1 and Shri Ankur Chhibber, learned counsel for respondent Nos.3, 4, 5, 6, 8, 9, 10, 11 & 12.

6. During the pendency of the OA, a substantial development has taken place. The respondents verified the correctness of the selection of various persons and in particular, of Ms. Purnima Kadyan, the respondent No.7 in the OA. On finding that she was not entitled to be selected, her name was removed and a revised notice of result was issued on 20.12.2018.

7. In the process of selecting a candidate from the wait list, in the place of respondent No.7, the respondents 1 and 2 examined the case of Shri Lalit

Tyagi, respondent No.15; and on finding that he is not entitled to be selected, they appointed Ms. Savita Gosain, respondent No.16, in the resultant vacancy. Now, that the applicant now stands promoted to Sl. No.1 in the wait list. Therefore, the major grievance of the applicant stands redressed.

8. Though an attempt is made before us to canvas the correctness of two questions, namely, question No.82 and 111, we are not inclined to consider it. The reason is that the applicant did not put that in issue, by making a specific prayer. When the same is pointed out, learned counsel for the applicant sought permission to amend the OA. However, we are not inclined to permit the amendment in the OA, since its complexion is totally different. However, we leave it open to the applicant to pursue the remedy in that direction.

9. We, therefore, dispose of the OA as infructuous, in view of the redressal of the grievance of the applicant. However, it is left open to the applicant to pursue the remedy, as per law, as regards the correctness of certain questions.

10. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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