

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**O.A No. 676/2016**

This the 1<sup>st</sup> day of November, 2019

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

Vandana Sharma, Age – 36  
W/o. Sh. Mukesh Vashishth,  
R/o. 140/23A,  
Gali No. 38, Sadh Nagar, Palam,  
New Delhi.

...Applicant

(By Advocate : Mr. U. Srivastava)

Versus

1. Govt. of NCT of Delhi through  
The Chief Secretary,  
Govt. of NCT of Delhi, Delhi Secretariat,  
New Delhi.
  2. The Delhi Subordinate Services Selection Board,  
Through its Chairman,  
Govt. of NCT of Delhi,  
F-18, Karkardooma, Institutional Area,  
Delhi-92.
  3. The Director of Education  
Directorate of Education, Delhi Admn.,  
Old Secretariat Delhi.
- ...Respondents

(By Advocate : Mr. Amit Yadav for Mr. Amit Sharma)

**ORDER (ORAL)**

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

The applicant has filed the present O.A under Section 19 of the Administrative Tribunals Act, 1985 on being aggrieved of his representation dated 13.09.2013 (Annexure A/4) not being finalised, which she has preferred

for consideration of her case for recruitment against Post Code No. 11/13. In the aforesaid background the applicant has filed the present O.A seeking the following reliefs :-

“a) Directing the respondents to place the relevant records pertaining to the present petition before their lordships for the proper adjudication in the matter.

b) to considering and finalizing the request of the applicant for recruitment against post code 11/13 for which the candidature of the applicant was cancelled with the contention ‘No Elective Subject’ against which on instructions of the respondents the request is still pending and thereafter to consider the request of the applicant asking and finalizing the options of the candidates whose name are appearing in both the merit list on the premises that a person cannot be adjusted at two places and has to be appointed either against post code 113/12 or 11/13 one out of two different advertisements of the years 2012 or of the year 2013 in the Directorate of Education, Govt. of NCT of Delhi a common examination has been conducted by the respondent no. 2 on dated 31.08.2014 on their own, consequently consider the case of the applicant for appointment against the remaining vacancies if any of the post code 11/13 to secure the end of justice but there is nothing.

(c) Allowing the O.A of the applicant with all other consequential benefits and costs.

(d) Any other fit and proper relief may also be granted.”

2. The respondents have filed reply in response to the notice received from the Tribunal and the applicant has filed rejoinder.

3. We have heard learned counsels for the parties.

4. Mr. Amit Yadav, learned counsel for respondents submits that in pursuance of the advertisement of the year 2012 and of the year 2013, a common entrance examination was held in the year 2014 and as per the

result of the said common examination, the cut off marks for the relevant Post Code 11/13 is '91', whereas the applicant has scored 88 marks only. It is the case of the respondents that no one having lesser marks than the applicant has been selected for or appointed to the relevant post. Mr. Yadav, learned counsel appearing for the respondents further submits that in the O.A substantial prayer is made by the applicant for a direction to the respondents to finalise the request of the applicant for recruitment against Post Code No. 11/13 for which she has preferred the aforesaid representation dated 13.09.2013 and such prayer of the applicant is barred by limitation inasmuch as the present O.A has been filed on 15.02.2016. He submits that if at all she has been aggrieved of non consideration/disposal of the said representation, at the best she could have filed the present O.A within a year, after 6 months lapsed after submission of the representation as provided under Section 21 of the A. T. Act, 1985. The limitation started after a lapse of 6 months after the said representation and she was required to file the present O.A within one year thereafter, i.e., by 12.04.2015. He further submits that admittedly there is no application seeking condonation of delay.

5. In the rejoinder, Mr. U. Srivastava, learned counsel for applicant submits that once the respondents themselves

are at fault, they are not at liberty to raise the point of limitation.

6. We have perused the pleadings on record and have also considered the submissions made on behalf of the parties.

7. Mr. U. Srivastava further invites our attention to the paras 4.6 and 4.9 of the reply of the respondents and submits that in the said paragraphs the respondents have submitted that few more candidates, who have secured more marks than the applicant, have been kept in waiting list.

8. From the aforesaid, it is clear that nobody having lesser marks than the applicant has been appointed selected or has even been kept in waiting list for the relevant post. Therefore, we do not find any merit in the present O.A.

9. Accordingly, without going into issue raised about limitation, we dismiss the O.A finding the O.A being devoid of any merit. However, in the facts and circumstances, no costs.

(Aradhana Johri)  
Member (A)

(R. N. Singh)  
Member (J)

/Mbt/