

(2023) 08 DEL CK 0020

In the Delhi High Court

Case No : Civil Writ Petition No. 10075 Of 2023, Civil Miscellaneous Application No. 38799 Of 2023

Malti Rawat

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 01-08-2023

Acts Referred:

Citation : (2023) 08 DEL CK 0020

Hon'ble Judges : V. Kameswar Rao, J;Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : Shruti Munja, Shoomendu Mukherji, Rishan Dubey, N. Sharma, Akanksha Gupta

Final Decision : Disposed Of

Judgement

V. Kameswar Rao, J

CM APPL. 38892/2023 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10075/2023

1. The only challenge in the writ petition is to an order dated May 26, 2023, passed by the Central Administrative Tribunal, Principal Bench, New Delhi, ('Tribunal', for short) whereby the MA No.1218/2023 of the petitioner seeking interim prayer that one vacancy of the post of Lab Attendant (Finger Print) be kept vacant till the decision of the OA. The Tribunal has rejected the prayer by stating in paragraphs 3 and 4 as under:

"3. The learned counsel for the respondents \ vehemently opposes the present OA as well as prayer for interim relief and submits that the applicant admittedly is not eligible to participate in the fresh selection process. He submits that earlier

selection process was cancelled by the respondents for administrative reasons after a lot of deliberations. Therefore, there was no cause for grant of interim prayer in fact according to him the QA is devoid of merit and does not warrant interference by the Tribunal.

4. At this stage we find merit in the contention raised by learned counsel for the respondents. Accordingly, we do not consider appropriate to grant any interim relief to the applicant. MA No. 1218/2023 seeking stay of impugned order is disposed of accordingly. Pending MA No. 1919/2023 seeking preponement of date of hearing is also stands disposed of.”

2. Learned counsel for the petitioner states that she would be contended that if this Court observe that any appointment made by the respondents to the post of Lab Attendant (Finger Print) be subject to the outcome of the Original Application No.982/2023.

3. Though, learned counsel for the respondents would justify the order of the Tribunal, inasmuch as the selection was cancelled for the reason that the post need to be filled through SSC and the SSC has now on March 6, 2023 notified two vacancies of Lab Attendant (Finger Print). In any case, the petitioner being overage, cannot apply for the said post. Even earlier selection process conducted by the National Crime Records Bureau was not completed as the result was not declared except marks and no right has accrued in favour of the petitioner.

4. Having heard the learned counsel for the parties, and noting their submissions, it is stated that any appointment made to the post of Lab Attendant (Finger Print) in National Crime Records Bureau shall be subject to the outcome of the Original Application No.982/2023 titled as Malti Rawat v. National Crime Records Bureau (NCRB).

5. With the above, the petition is disposed of. No costs.