

**(2025) 03 DEL CK 0998**

**In the Delhi High Court**

**Case No :** Writ Petition (C) No. 320 Of 2025, Civil Miscellaneous Petition No. 1511, 1512 Of 2025

Union Public Service Commission

APPELLANT

Vs

Nipun Mathur And Ors

RESPONDENT

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**Date of Decision :** 04-03-2025

**Acts Referred:**

**Citation :** (2025) 03 DEL CK 0998

**Hon'ble Judges :** C.Hari Shankar, J;Ajay Digpaul, J

**Bench :** Division Bench

**Advocate :** Ankur Chhibber, Anshuman Mehrotra, R.V. Sinha, Amit Sinha, Shriya Sharma, Nidhi Singh

**Final Decision :** Disposed Of

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## **Judgement**

C. Hari Shankar, J.

1. One of the contentions that have been advanced by Mr. Sinha, who appears for the petitioner in this writ petition is that the Central Administrative Tribunal "Tribunal" has, while deciding OA 522/2022 by the judgment dated 16 January 2024 under challenge in the present writ petition, proceeded on the erroneous premise that, against the total number of advertised vacancies of 578, which were to be filled by Limited Departmental Competitive Examination in 2015, only 440 candidates had been appointed thereby leaving 138 vacancies unfilled.

2. Mr. Sinha acknowledges that, in fact, out of the total vacancies of 578, only 395 vacancies were earmarked for unreserved candidates, to which category the respondents belong. Recommendations and selections were made against all 395 vacancies. He acknowledges that, though such a specific case had not been put up before the Tribunal by way of response to the OA, submissions to that effect were raised in RA 42/2024. However, the Tribunal has dismissed the said review application without entering into merits on the ground that no case for review was made out.

3. While we cannot really fault the Tribunal for taking the view that it did while dismissing the RA, nonetheless, in the peculiar facts of this case and given the implications of the impugned order, we are of the opinion that the Tribunal should be directed to consider the submissions made in the RA on merits.
4. In that view of the matter, with consent of parties, this writ petition is disposed of by setting aside the order dated 24 August 2024 passed in RA 42/2024. RA 42/2024 shall stand remanded to the Tribunal for decision afresh. In order to expedite matters, we are waiving issuance of formal notice in the RA by the Tribunal and direct the respondents in the RA to file their responses to the RA, if they so choose, within a period of two weeks from today before the Tribunal.
5. The petitioner, as the review applicant, would be at liberty to file its response thereto within one week thereof.
6. Let RA 42/2024 be listed before the Tribunal for hearing on 28 March 2025.
7. In the meanwhile, the Department of Personnel and Training is also at liberty to file its response to the RA within the same period of two weeks and any party who wishes to respond thereto could respond within one week thereof.
8. We request the Tribunal to take up the RA for decision on the next date of hearing and pass orders thereon as expeditiously as possible.
9. Needless to say, any party who is aggrieved by the decision in the RA, would be at liberty to seek remedies available in law thereagainst.
10. The writ petition is accordingly disposed of.