$~9

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 07.07.2022

\+ W.P.(C) 12500/2018

DELHI SUBORDINATE SEVICE SELECTION BOARD AND ANR. ..... Petitioners

versus

MEENU DADEIA AND ORS. ..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mrs. Avnish Ahlawat, Standing Counsel with Mr. N.K. Singh, Mrs. Tania Ahlawat, Mrs. Palak Rohmetra, Ms. Lavnya Kaushik and Ms. Aliza Alam, Advocates

For the Respondents: Mr. Kirti Uppal, Senior Advocate with Mr. Prakash Pandey, Mr. Harsh Kumar and Ms. Riya Gulati, Advocates for R-1

Ms. Pooja Chandra and Ms. Swechcha Mishra, Advocates for R-2

Mr. Dhanesh Relan and Ms. Brinda Ajmani, Advocates for R-3

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns interim order dated 04.01.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (in short, 'Tribunal') whereby Tribunal had directed the Petitioner (Respondent No.1 before the Tribunal) to consider the candidature of the Original Applicant i.e. Respondent No.1 herein, on the basis of her merit in the selection process.

2. Learned counsel for the Petitioners submits that the Tribunal had erroneously referred to the judgment of the Supreme Court in *UPSC vs. Dr. Jamuna Kurup and Ors., 2008 (II) SCC 10* as well as judgment of the Punjab and Haryana High Court in *UPSC vs. Sunita Sharma and Ors., 2017 LAB IC 3351*. Learned counsel submits that said judgments are not applicable to the facts of the case of Respondent No.1. This submission is made in view of the judgment of the Supreme Court in *Deepa E.V. vs. UOI and Ors., (2017) 12 SCC 680.*

3. Learned counsel for the Petitioners, however, submits that without prejudice to the same, Petitioners shall consider the case of Respondent No.1 as directed by the Tribunal, without prejudice to the rights and contentions of the parties.

4. In view of the above, the petition is disposed of.

5. It is clarified that reconsideration shall be without prejudice to the rights and contentions of the parties and the question of applicability of the judgments relied upon by the Tribunal is also left

open to be considered by the Competent Authority at the time of reconsideration.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JULY 07, 2022
'yg'

HIGH COURT OF DELHI
सत्यमेव जयते