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

+ W.P.(C) 6873/2024

GOVT OF NCT OF DELHI AND ANOTHER Petitioners

Through: Mrs.Avnish Ahlawat, SC, GNCTD
with Mr.Nitesh Kumar Singh, Ms.Laavanya
Kaushik, Ms.Aliza Alam & Mr.Mohnish
Sehrawat, Advs.

versus

UPKAR AND ANOTHER Respondents

Through: Mr.Karn Bhardwaj, Mr.SHubham
Singh, Mr.Rajat Gaba & Mr.Saurabh Dahiya,
Advs. for MCD/R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **14.05.2024**

CM APPL. 28684/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 28685/2024 (additional documents)

3. This is an application filed by the petitioner seeking to place on record additional documents annexed as 'Annexure D' and 'Annexure E' to the writ petition.
4. The application is, for the reasons stated therein, allowed and the documents annexed as 'Annexure D' and 'Annexure E' to the writ petition are, taken on record. It is, however, made clear that the effect of these documents will be considered at the time of final hearing.



5. The application stands disposed of.

W.P.(C) 6873/2024 & CM APPL. 28683/2024 (stay)

6. The present petition under Articles 226 & 227 of the writ petition seeks to assail the order dated 06.12.2023 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.1888/2022. Vide the impugned order, the learned Tribunal has allowed the original application (OA) filed by respondent no.1/applicant by holding that since he had appeared in the final exam for the Two years diploma in 'Special Education' before the cut off date of 14.04.2021, it had to be presumed that he was holding the said qualifications on the cut off date. She submits that results of final exam of the aforesaid diploma was declared in September 2021 and, therefore, the Tribunal has erred in holding that the respondent was holding the said qualification on 14.04.2021 itself.
7. Issue notice. Learned counsel for respondent no.2 accepts notice.
8. Upon the petitioner taking steps, issue notice to respondent no.1 through all permissible modes. Counter affidavit and reply to application be filed within six weeks. Rejoinder(s) thereto, if any, be filed within four weeks thereafter.
9. Till the next date, the operation of the impugned order will remain stayed.
10. List on 03.10.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 14, 2024/kk