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

+ **W.P.(C) 11329/2023 AND CM APPL. 44020/2023**

**GOVT. OF NCT OF DELHI**

..... Petitioner

Through: Mr. Yeeshu Jain, Additional Standing  
Counsel with Ms. Jyoti Tyagi,  
Advocate.

versus

**MANISH KUMAR SHARMA**

..... Respondent

Through: Mr. Naresh Kaushik, Mr. Anand  
Singh and Mr. Shubham Dwiwedi,  
Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**10.01.2024**

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1. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 19.01.2023, read with order dated 06.03.2023, passed by the learned Central Administrative Tribunal in O.A. No. 2799/2016. Vide the impugned order, the learned Tribunal has allowed the OA preferred by the respondent and directed the petitioner to re-examine, with the help of an expert committee, answer keys in respect of eight questions.

2. Learned counsel for the petitioner submits that the learned Tribunal has erred in directing the petitioner to re-examine the answer keys of eight questions though the respondent had raised objections only with respect to six questions at the relevant time, when



objections to the answer keys were called for. He further submits that one of the objections raised by the respondent has already been accepted in his favour, whereafter the petitioner was awarded 73.75 marks without prejudice to the plea that the impugned direction issued by the learned Tribunal were unwarranted, he submits that even if the respondent was to be granted 1 additional mark for the remaining five objections and 1.25 additional marks by excluding the negative marking for these five questions, he would still not make it to the cut off list. Even with these additional marks, the respondent would get only 80 marks as against the last successful candidate in the General category list, who obtained 80.25 marks. He therefore contends that the exercise directed to be conducted under the impugned order would be a futile exercise and prays that the impugned order be set aside.

3. When faced with this situation, learned counsel for the respondent prays for time to obtain instructions.

4. At request, list on 11<sup>th</sup> January, 2024.

**REKHA PALLI, J**

**RAJNISH BHATNAGAR, J**

**JANUARY 10, 2024**

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