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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11329/2023 & CM APPL. 44020/2023 -Stay.

GOVT. OF NCT OF DELHI

..... Petitioner

Through: Mr.Yeeshu Jain, ASC with Ms.Jyoti Tyagi, Mr.Hitanshu Mishra, Advs.

versus

MANISH KUMAR SHARMA

..... Respondent

Through: Mr.Naresh Kaushik with Mr.Shubham Dwivedi, Mr.Anand Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.01.2024

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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.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. On 10.01.2024, when the present petition was taken up for preliminary consideration, it was the submission of learned counsel for the petitioner that taking into account that out of the respondent's initial challenge to six questions, one question has already been corrected in the manner as desired by him, no useful purpose would



be served in carrying out the exercise directed by the learned Tribunal as the respondent would still not make it to cut off list. Learned counsel for the respondent was, therefore, granted time to obtain instructions.

3. Today, he submits that the respondent's challenge cannot be treated as confined to only the remaining five questions, but would also include his challenge to question no.76 and in case he succeeds in the said challenge, his score is likely to increase to 81.25 marks, which would be beyond the cut off.
4. Even though prima facie we are not able to accept the respondent's plea, we are of the view that the respondent ought to be granted an opportunity to file a detailed counter affidavit.
5. Issue notice. Learned counsel for the respondent accepts notice. He prays for and is granted four weeks time to file the counter affidavit. Rejoinder thereto, if any, be filed within four weeks thereafter.
6. List on 17.05.2024.
7. Till the next date, the operation of the impugned order will remain stayed.

REKHA PALLI, J

SACHIN DATTA, J

JANUARY 11, 2024
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