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

Date of decision: 24.09.2025

+ W.P.(C) 14813/2025
UNION OF INDIA & ORS.Petitioners
Through: Mr.Arn timer Kumar, CGSC,
Mr.Adit Garg, Mr.Keshav
Mittal, Advts.

versus

SH SHUBHAM KUMARRespondent
Through: Mr. Ravindra Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 60857/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 14813/2025 & CM APPLs. 60855-56/2025

2. This petition has been filed by the petitioners, challenging the Order dated 07.10.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.3802/2024, titled ***Sh.Shubham Kumar v. Union of India & Ors.***, whereby the learned Tribunal disposed of the said O.A. filed by the respondent herein with the following directions:

".....Since this has not been done and even respondents' written instructions are silent on



this aspect, we deem it appropriate to dispose of the present OA at this stage with a direction to the respondents to afford one more opportunity to the applicant to appear in the retest in the next batch, preferably within three weeks from the date of receipt of a certified copy of this Order.

7. The Chairman, SSC shall also take note of the fact that the computer has failed at one of their centers and shall endeavor to ensure that such a situation does not occur again. Any action in this regard would go a long way to avoid such litigation.”

3. The petitioners had challenged the said Order before this Court by way of a Writ Petition, being W.P.(C) 3613/2025, which the petitioners withdrew with liberty to approach the learned Tribunal by filing a review application.

4. Exercising the liberty so granted, the petitioners filed a Review Application, being R.A. No.87/2025, before the learned Tribunal, which was dismissed by the learned Tribunal *vide* Order dated 30.06.2025.

5. To briefly set out the background in which the present petition arises, the respondent had applied for the post of Data Processing Assistant, Grade-A (Post Category No.NR16323), pursuant to the Advertisement No.Phase-XI/2023/Selection Post, dated 06.03.2023, issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Staff Selection Commission.

6. The respondent appeared in the Skill/Typing Test on 27.08.2024. Almost immediately after the commencement of the test, he faced a technical glitch in his computer system, which he



immediately reported to the invigilator. The issue was resolved, and the respondent was asked to continue with the test. While the other candidates were asked to stop typing at 12.58 P.M., that is, the scheduled time, the respondent was given additional time till 1:10 P.M. to complete the test. The respondent, however, raised a grievance before the petitioners, seeking another opportunity to take the examination on account of the said technical glitch. Having failed to receive any response, the respondent filed the above O.A. before the learned Tribunal.

7. As noted hereinabove, the learned Tribunal, by way of the Impugned Order dated 07.10.2024, directed the petitioners to conduct a re-test for the respondent with the next batch of the applicants. As the petitioners failed to comply with the said order, the respondent filed a contempt petition, being C.P. No. 873/2024 in O.A. No. 3802/2024, before the learned Tribunal. It was only thereafter that the petitioners filed their first petition before this Court.

8. The learned counsel for the petitioners, drawing our attention to the photographs of the examination centre, submits that the technical glitch was immediately resolved and that the respondent was provided a sanitized and peaceful environment to complete the examination. The other candidates appearing in the examination were made to remain seated until the respondent completed his examination. He further submits that the learned Tribunal erred in not granting sufficient time to the petitioners to file their counter affidavit in terms of Rule 12 of the Central Administrative Tribunal (Procedure) Rules, 1987, thereby denying the petitioners an opportunity to present their



case.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that in the Skill/Typing Test, the candidate was required to achieve at least 3750 key depressions within the allotted 15 minutes. Since there was a technical glitch, the respondent was clearly denied a fair opportunity to take his test. He, therefore, submits that no fault can be found with the Impugned Direction issued by the learned Tribunal.

10. We have considered the submissions made by the learned counsels for the parties.

11. The fact that there was a technical glitch in the computer system of the respondent immediately at the commencement of the Skill/Typing Test, has not been denied by the petitioners. Though the same may have been resolved, it cannot be disputed that the respondent would have been left with a disturbed mindset, as other candidates in the room were continuing with their examination while he was struggling with the technical glitch in his computer system. The other candidates completed their examination and continued to sit in the examination centre, waiting for the respondent to finish his exam. This certainly cannot be said to be a peaceful or sanitized environment for writing an examination which requires speed and accuracy. A candidate must be afforded a fair opportunity to take his test, and the learned Tribunal, in its Impugned Direction, has only sought to achieve this objective and grant this fair opportunity to the respondent.

12. We, therefore, find no infirmity in the Impugned Direction



issued by the learned Tribunal.

13. As far as the plea that the learned Tribunal did not grant sufficient time to the petitioners to file their counter affidavit to the O.A., is concerned, we find no merit in the same. Keeping in view the urgency in hearing the matter, as the recruitment process was involved and various other candidates were also appearing in the same, the learned Tribunal, in its discretion, considered it appropriate to grant a shorter time to the petitioners to file their response. The procedure being the handmaid of justice, reliance on the Rules cannot be so stringent as to deny the learned Tribunal the discretion to curtail the time for filing a response/reply if the urgency of the case so warrants. In any event, the petitioners had an opportunity to present their case, not only before the learned Tribunal by way of the review application, but also before this Court in the form of the present petition. We have also considered the submissions of the learned counsel for the petitioners on merits.

14. In view of the above, we find no reason to interfere with the Impugned Order. The petition is, accordingly, dismissed. The pending applications are also disposed of as infructuous.

15. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 24, 2025/Arya/HS/DG