



2026:DHC:3750-DB



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

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Judgment reserved on : 23.03.2026

Judgment delivered on : 04.05.2026

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W.P.(C) 3615/2026 and CM APPL. 17528/2026

GEETIKA

.....Petitioner

versus

DSSSB & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. K. C. Mittal and Mr. Keshav Poonia,
Adv.

For the Respondents : Ms. Avnish Ahlawat, SC along with Mr.
Nitesh Kumar Singh, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Adv. Mr. Saurabh
Seth, SC along with Mr. Kabir Dev, Adv. for
R-2.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.



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1. The present Petition is filed assailing order dated 19.01.2026 (hereinafter '**impugned order**') passed by the learned Central Administrative Tribunal Principal Bench, New Delhi (hereinafter '**Tribunal**') in O.A. No. 1763/2021, whereby the Original Application filed by the Petitioner was dismissed.
2. Succinctly stated, the Petitioner participated in the recruitment process for the post of Junior Stenographer (English), initiated by Delhi Subordinate Services Selection Board (DSSSB), Respondent No.1, *vide* Advertisement No. 02/2012. The Petitioner qualified Tier- I written examination and the Tier-II shorthand and type writing skill test. Subsequently, *vide* Result Notice dated 13.12.2018, DSSSB, Respondent No.1, provisionally selected 16 candidates in the unreserved category and placed 12 candidates, including the Petitioner, on the waiting list. The said notice specified that the waiting list would remain valid for one year, i.e., up to 12.12.2019.
3. Before the expiry of the waiting list, the New Delhi Municipal Corporation, Respondent No.2, returned the dossiers of 6 candidates (Unreserved) to DSSSB and requisitioned six additional candidates, pursuant to which DSSSB declared the results of six more candidates *vide* result notice dated 18.12.2019.
4. Thereafter, Respondent No.2, *vide* Office Memorandum dated 20.05.2021, returned two more Dossiers with the request of sponsoring two more candidates, 17 months after the expiry of the waiting list.



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5. The Petitioner filed an RTI Application with the DSSSB on 29.06.2021, seeking information regarding the status of the requisition by Respondent No.2 *vide* their memo No.20.5.2021. The DSSSB in its reply to the said RTI, informed the Petitioner that the validity of the waitlist, in which the Petitioner was placed, had already expired. Thereafter, the Petitioner served a legal notice dated 13.08.2021 to DSSSB, however, she received no response to her legal notice.

6. Being aggrieved, the Petitioner approached the learned Tribunal

7. The learned Tribunal dismissed the Original Application filed by the Petitioner *vide* order dated 19.12.2025. The learned Tribunal noted that the DSSSB has followed the policy of keeping the waiting list alive for one year and they were well within their right not to send any further dossiers, on request from Respondent No.2.

8. The learned Counsel for the Petitioner submitted that, although the waiting list was stipulated to expire on 12.12.2019, Respondent No. 1, by issuing Supplementary Result Notice No. 859 dated 18.12.2019 and thereafter nominating additional candidates, unequivocally treated the panel as subsisting. It was contended that such conduct amounts to a waiver of the prescribed limitation and operates as an estoppel against Respondent No. 1 from subsequently invoking the expiry to the Petitioner's detriment. He further submitted that Respondent No. 1 cannot selectively treat the panel as operative for certain candidates while denying the same benefit to others.



9. He submitted that the findings of the learned Tribunal are vitiated by an error apparent on the face of the record, in as much as it erroneously characterised the Respondent's post-expiry selection notice as a mere "minor technicality" or a "misnomer."

10. He submitted that the learned Tribunal failed to appreciate that, upon operation of the list in December 2019, the Petitioner's merit position stood upgraded to Rank-2 in the UR category. It was contended that, once the NDMC cancelled the candidatures of two non-joiners and made a formal requisition dated 20.05.2021, Respondent No. 1 was under a legal obligation to forward the Petitioner's dossier, the vacancy having arisen from the same selection cycle.

11. *Per contra*, learned counsel for the Respondents submitted that the impugned orders suffer from no infirmity and, accordingly, prayed for dismissal of the present writ petition.

Analysis

12. At the outset, it is apposite to mention that while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit in appeal over the orders passed by the Tribunal. The scope of judicial review is limited to examining the decision-making process and not the correctness of the decision on merits. Unless the impugned order suffers from perversity, patent illegality, violation of principles of natural justice, or lack of jurisdiction, interference by the writ court is



not warranted. Re-appreciation of the merits or substitution of the Tribunal's view with another plausible view is impermissible.

13. In the present case, the Petitioner, having successfully qualified the Tier-I written examination as well as the Tier-II Shorthand and Typewriting Skill Test, was declared eligible and placed at Rank 12 in the UR Waiting List Panel vide Result Notice No. 747 dated 13.12.2018. The said Result Notice stipulated that the waiting list would remain valid for a period of one year, i.e., until 12.12.2019. It is the Petitioner's case that Respondent No.1 ought to have forwarded the dossiers of two additional candidates to Respondent No.2 pursuant to the requisition dated 20.05.2021, issued approximately 17 months after such expiry.

14. It is settled law that a candidate included in a waiting list does not acquire any indefeasible right to appointment and that such inclusion only enables consideration if a selected candidate does not join and such contingency arises *during the validity* of the waitlist.

15. A waiting list operates only for the duration of its prescribed validity, and upon the expiry of such period, the panel stands exhausted, precluding any appointments therefrom. Any vacancy arising subsequent to the lapse of the waiting list is required to be filled through a fresh recruitment process. The right of a waitlisted candidate is limited in nature, extending only to consideration during the subsistence of the panel, and does not survive its expiry. The stipulation of a defined validity period serves to prevent reliance on stale panels and to protect



the rights and legitimate expectations of future aspirants. Reference in this regard can be drawn to the judgment in ***Rajasthan Public Service Commission, Ajmer v. Yati Jain & Ors* : 2026 INSC 64** where the Hon'ble Apex Court held as under:

“86. The key aspects of a waiting list, in relation to service law disputes, that can be deduced from the aforesaid decisions is this:

(i) a waiting list is normally prepared after the select/merit list is drawn;

(ii) it would include candidates who have qualified the recruitment examination but are not so meritorious such that they can be immediately appointed on the number of vacancies advertised;

(iii) such list would operate like a merit-based queue for vacancies that remain unfilled after offers of appointment given to the candidates in the select/merit list are not accepted;

(iv) a waiting list has a limited validity period;

(v) validity period of a waiting list depends on the recruitment rules and should no such period be mentioned, it can bona fide be operated till the next advertisement is issued without, however, violating provisions in such rules, if any, requiring recruitment process to be initiated either semi-annually or annually; and

(vi) an opportunity to a candidate in the waiting list for securing appointment arises only when vacancies remain unfilled after the process of appointing candidates from the select/merit list is over and hence, it is regarded as a procedural outcome which is part of a structured process rather than a fortuitous circumstance.

87. Quite often, appointing authorities have to justify in course of proceedings before a court of law its refusal to appoint candidates figuring in the waiting list. Broadly, two situations emerge depending upon the reaction of the selected candidate upon receiving an offer of appointment. The first situation is, he may not accept the offer within the permitted time and the offer gets cancelled. If the waiting list is alive on the date of cancellation, there is no reason why the candidate figuring at the top of such list should not be offered appointment. An acceptable reason has to be provided in support of non-appointment by the appointing authority, because a public employer has no license to act arbitrarily. The second situation arises when the selected candidate upon receiving an offer of appointment accepts such offer, joins the post but resigns immediately or some time thereafter. This could again result in



emergence of two situations. The first is, when the resignation takes place during the validity period of the waiting list. In such a situation, the candidate next in line can legitimately be offered appointment, provided the waiting list is alive. Again, acceptable reason has to be assigned to justify non-appointment. However, upon resignation happening at a point of time when the waiting list is no longer alive, there is nothing much that the candidate can legitimately expect owing to his/her position in the said list.

88. The canvas would be a bit different when the selection of candidates and drawing up of the select/merit list followed by preparation of the waiting list is by a Public Service Commission. Here, the recommendations have to be preceded by requisitions. Even though cancellation of appointment could have been effected during the period the waiting list is alive, unless a requisition is made by the appointing authority, such a Commission may not be bound to recommend any candidate from the waiting list. Each case, therefore, has to be adjudicated based on the peculiar facts as well as the governing rules.

*89. Having noticed what a waiting list means and to what extent a waitlisted candidate has any right, courts have to bear in mind the law laid down by the Constitution Bench of this Court in *Shankarsan Dash v. Union of India*³⁷ that a candidate included in a select/merit list does not have an indefeasible right of appointment even if a vacancy exists*

90. On a conspectus of the decisions of this Court governing the field of a select/merit list as well as waiting list, as understood in service jurisprudence, the law seems to be well-settled that when a candidate included in a select/merit list has no indefeasible right of appointment, it would be too far-fetched to think that a candidate in the waiting/reserve list would have a better right than a candidate in the select/merit list. We, thus, hold that a wait-listed candidate has no right of appointment, much less an indefeasible right, except when the governing recruitment rules permit a small window authorizing appointments therefrom in the specified exceptional circumstances and the appointing authority, for no good reason, denies or refuses an appointment or the reason assigned therefor is found to be arbitrary and/or discriminatory and that too, when the waiting list has not expired. What should be given primacy, therefore, is the nature and extent of right prescribed by the relevant rules.”



16. As noted above, the Petitioner was placed in the waiting list, which was expressly stipulated to expire on 12.12.2019. Respondent No.2, *vide* Office Memorandum dated 20.05.2021, returned two dossiers to Respondent No.1 and sought the requisition of two additional candidates, which was made 17 months after the expiry of the waiting list. In view of the clear stipulation in the Result Notice regarding the validity of the panel upto 12.12.2019, Respondent No.1 was well within its rights in not forwarding the Petitioner's dossier pursuant to the said requisition.

17. It has been contended before this Court that Respondent No. 1, by issuing Supplementary Result Notice No. 859 dated 18.12.2019 and thereafter nominating additional candidates, treated the panel as subsisting. This contention is misconceived and untenable.

18. As noted by the learned Tribunal, the nomenclature employed by the Respondent No.1 in respect of the Result Notice dated 18.12.2019 appears to be a misnomer. The results, including the select list and the waiting list, had already been duly declared *vide* Result Notice No. 747 dated 13.12.2018. The learned Tribunal correctly observed that the subsequent forwarding of six additional dossiers pursuant to the notice dated 18.12.2019 was merely in furtherance of the earlier declaration of results and cannot be construed as an extension or revival of the waiting list. It is undisputed that additional dossiers were sought prior to expiry of the waitlist panel and merely the forwarding of the names happened a few days after the expiry. The said result notice was in response to a



requisition made by Respondent No.2 before the expiry of the wait-list, and cannot be equated with the present scenario, where the requisition has been made 17 months after the expiry of the wait-list.

19. In the opinion of this Court, a minor irregularity in the nomenclature of the said notice does not confer any enforceable right upon the Petitioner to seek appointment beyond the stipulated validity period of one year. The learned Tribunal rightly observed that the DSSSB adhered to its policy of maintaining the waiting list for the prescribed period and was, therefore, well within its rights in declining to forward any further dossiers in response to the requisition dated 20.05.2021.

20. Thus, in the opinion of this Court, the view adopted by the learned Tribunal appears to be a plausible view, and this Court in judicial review cannot sit as an Appellate Court over the findings arrived at by the learned Tribunal and substitute its own view. Hence, no interference is warranted in the impugned order in exercise of extraordinary Writ jurisdiction.

21. The present petition is dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

MAY 04, 2026