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

Date of Decision: 07.01.2026

+ **W.P.(C) 12419/2024**

DINESH

.....Petitioner

Through: Mr. Nikhil Palli, Ms. Niyati Razdan, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Naginder Benipal SPC for UOI with Mr. Ankit Siwach, Mr. Udit Vaghela, Mr. Arjun Baliyan, Mr. Saarthak Sethi, Mr. Jaskaran Singh, Advocates with Head Constable Vikas.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. By the present writ petition, the petitioner seeks quashing of order dated 07.06.2024 (hereafter '**impugned order**'), passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as '**Tribunal**') in O.A. No. 1809/2017 titled as ***Dinesh (OBC) vs. Govt. of NCT of Delhi and Anr.***

2. Admittedly, the petitioner, in the revised result, got 70 marks whereas the minimum benchmark was 71 marks. Initially, the



petitioner was selected for the post of Head Constable as he had obtained 67 marks which was the minimum benchmark in the written test.

3. Subsequently, the result was revised on 14.10.2015 and the marks of the petitioner in the written test were revised to 70 marks. However, on account of the said revision, the minimum benchmark went to 71 marks for the written test.

4. The Petitioner along with certain other candidates filed O.A. 1899/2016 before the Tribunal which was disposed of on 16.07.2016 by directing the Respondents to take steps in accordance with the revised result. Pursuant to the directions the Respondents appointed candidates who fulfilled the minimum benchmark.

5. The writ petition filed against the original order passed in O.A. 1899/2016 on 16.07.2016 was disposed of by this Court on 27.01.2017.

6. Thereafter, the Petitioner filed a fresh O.A. in the year 2017 which has been dismissed by the Tribunal by the impugned order with the following observations:

“16. Para 16 of the order dated 16.07.2016 passed by this Tribunal referred to above reads as follows:

16. We also notice that earlier respondents had advertised 142 vacancies of the post of Head Constable (AWO/TPO). Subsequently, this number was increased to 475 with further stipulation that number of vacancies may undergo a change. Under these circumstances, we dispose of this O.A. with a direction to the respondents to consider whether additional vacancies are available to appoint the applicants as well in addition to those figuring in the revised merit list. We are conscious of the fact that there may be some other candidates in between those figuring in the revised merit list and the applicants herein. That number is not known to us.



Such candidates would also have to be appointed. Let the respondents examine and see whether without violating the merit of the selection process the applicants can be accommodated. This will, of course, be subject to availability of vacancies. The respondents may do so within next 08 weeks from the date of receipt of a certified copy of this order. No costs. "

17. We find that the respondents have already taken action in compliance of the said order. The contention of the applicants is that there are 19 vacancies in OBC category and there are only 5 OBC candidates who scored 70 marks in written test and 7 marks in typing test were called for typing test as per RTI reply dated 15.03.2017. Thus, vacancies are available in the relevant OBC category. It is also averred that the next recruitment notice which was issued on 22.12.2019 was cancelled in March 2021. Therefore, these unfilled 19 vacancies still remain unfilled.

18. However, it is apparent from the submission made by the learned counsel for the respondents and the averments made in the counter reply that in the revised result the cut off marks of written examination was 71 whereas the applicants got only 70 marks and they were declared disqualified. It is also not in dispute that against 184 vacancies notified under OBC category, 184 candidates were selected as per revised result dated 16.05.2016 and no remained unfilled. It is also observed that the revised advertisement for the post of HC (AWO/TPO) in Delhi Police Examination, 2019 was cancelled due to administrative reason and fresh Notification for direct recruitment to the post in question was notified in the year 2022 by the Recruiting Agency-SSC which is still under process. Thus, the applicants failed to obtain cut off marks set forth for OBC category and it is not the case that they obtained requisite cut off marks and yet they have not been appointed. We also find that the ratio of the judgment cited by the applicants does not apply in the instant case in view of the fact that they did not meet the cut off marks criteria specified in the revised result. Also we find that ratio of judgment dated 03.02.2023 in OA No.3813/2018 relied upon by the by the applicant in Rahul Singh Rathore vs. DSSSB & Others relates to preparing of reserve panel and declaring the waiting list for recruitment to the post of PGT (English) in Delhi Exam-2012 which does not relate to the present case, as the applicants were disqualified in written test as per the revised result declared by the Delhi Police. As such they cannot be placed in reserve list, if any."

7. The learned counsel representing the petitioner submits that in the order dated 16.07.2016, directions were issued to the respondents



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to appoint candidates. He submits that vacancies are still available and therefore the petitioner should have been appointed.

8. It is evident from the impugned order that all the vacancies have already been filled and this fact was not disputed before the learned Tribunal.

9. It is also not disputed that the petitioner did not obtain the minimum cut off marks i.e., 71 marks for written test, hence he failed to clear the written test. Consequently, he could not be considered for appointment. Hence, this Court does not find any ground to interfere with the impugned order.

10. The present petition is accordingly dismissed with aforesaid observations.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

JANUARY 7, 2026

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