



2025:DHC:4598-DB



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

Reserved on: 20.05.2025
Date of Decision: 29.05.2025

+ W.P.(C) 11634/2019 & CM APPL. 21091/2021

AJIT CHAUHANPetitioner

Through: Mr. Ankur Chhibber and
Mr. Amrit Koul, Advs.

versus

HIGH COURT OF DELHI AND ANR.Respondents

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Advs. for GNCTD
Ms. Radhika Bishwajit Dubey, CGSC with
Ms. Gurleen Kaur Waraich and Mr. Kritarth
Upadhyay, Advs. for DHC

+ W.P.(C) 7003/2021 & CM APPL. 22111/2021, CM APPL.
22112/2021 & CM APPL. 69837/2024

VIKASPetitioner

Through: Ms. Gunjan Sinha Jain and
Ms. Smriti Sapru, Advs.

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Advs. for GNCTD
Ms. Radhika Bishwajit Dubey, CGSC with
Ms. Gurleen Kaur Waraich and Mr. Kritarth
Upadhyay, Advs. for DHC



CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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AJAY DIGPAUL, J.

1. Since the issue canvassed before this Court and the facts to some extent are similar, therefore, for the sake of brevity, the facts are culled out from W.P.(C) 11634/2019, wherein the petitioner, an employee of the Delhi High Court, seeks a direction for the timely conduct of Part II of the Common Assistant Accounts Officer (Civil) Examination¹, notified in 2017 by the Government of NCT of Delhi², and for his eligibility to be considered as on the date of his Part I application, when he was in Pay Level 7. This has been sought on account of the delay in holding Part II, during which he was promoted to Pay Level 8.

2. The facts of W.P.(C) 7003/2021 will also be discussed as and when the same becomes necessary, wherein the petitioner has challenged the rejection of his candidature pursuant to Notification dated 15.06.2021, which mandates Pay Level 7 eligibility for Part II, despite the petitioner having passed Part I earlier but subsequently promoted to Pay Level 8, as well as the *vires* of Regulation 4(ii) of the GNCTD (Common AAO Examination) Regulations, 2017.

¹ Hereinafter "the CAAO Examination"

² Hereinafter "GNCTD"



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3. The petitioner in W.P.(C) 11634/2019, Ajit Chauhan, was appointed to the post of Junior Judicial Assistant on 15.02.2014 and subsequently got promoted to the rank of Judicial Assistant on 01.10.2018 in the establishment of the Delhi High Court.

4. The CAAO Examination is a limited departmental qualifying examination conducted by the GNCTD for promotions to accounts-related posts such as Assistant Accounts Officer and Accounts Officer. Pursuant to Office Order dated 24.06.2003 issued by the Finance Department of GNCTD, employees of the Delhi High Court and the establishment of the District and Sessions Judge, Delhi, were permitted to appear in the CAAO Examination from the year 2003 onwards. However, this was subject to the condition that such employees would be eligible for appointment only within the Subordinate Accounts Service posts in their own cadre, and would not claim appointment under the Delhi Government's Accounts Cadre (DASS Cadre) and this exam consists of two parts; Part I and Part II.

5. As per the GNCTD (Common Assistant Accounts Officer Examination) Regulations, 2017, a candidate is required to fulfil certain eligibility criteria, including being in Pay Level 7 as of the 1st April of the year in which the examination is held.

6. Pursuant to the judgment dated 27.04.2016 passed by the Co-ordinate Bench of this Court in *Vikas v. High Court of Delhi & Ors.*³,

³ W.P.(C) 3660/2015



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GNCTD was directed to conduct the CAAO Examination annually. Despite this direction, no examination was conducted till 2017 and the last time they were held was in the year 2012. It was only on 04.09.2017 that a notification was issued for the 2017 cycle of Part I of the examination. However, the examination was conducted much later, between 03.12.2018 and 06.12.2018, and the results were declared on 27.05.2019. Ajit Chauhan, who had applied while serving as a Judicial Assistant in Pay Level 7, appeared in Part I of the examination and qualified, securing exemption in two of the four papers.

7. The Part II examination was not conducted within a proximate time frame following the declaration of results for Part I. As a result, in this intervening period, the petitioner was promoted to the post of Senior Judicial Assistant in the Accounts Cadre and placed in Pay Level 8 w.e.f. 01.10.2019.

8. It was only on 15.06.2021 that GNCTD issued a notification for the conduct of Part II of the examination, stipulating that candidates must be in Pay Level 7 as on 01.04.2021. In view of this requirement under Regulation 4(ii), the petitioner, having already been placed in Pay Level 8, did not satisfy the eligibility condition as on the relevant date.

9. Furthermore, Regulation 6 of the said Regulations provides that all conditions of eligibility as prescribed in Regulation 4 and Regulation 5 must be strictly scrutinised by the respective



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Administrative Departments, including the Delhi High Court and GNCTD, and that no relaxation of the prescribed criteria shall be entertained. This provision, when read in conjunction with Regulation 4(ii), results in a strict disqualification of candidates who are no longer in Pay Level 7 as of the qualifying date.

10. Following his promotion to Pay Level 8 w.e.f. 01.10.2019, and in the absence of any notification regarding the conduct of Part II of the examination, the petitioner filed W.P.(C) 11634/2019 on 02.11.2019, seeking a direction for timely conduct of Part II and for his eligibility to be considered with reference to his status at the time of applying for Part I.

11. In W.P.(C) 7003/2021, the facts around the petitioner Vikas also deal with similar circumstances. He too had qualified Part I of the 2017 cycle while being in Pay Level 7 and was later promoted to Pay Level 8 in October 2019. His application for the 2021 Part II exam was rejected by the High Court of Delhi on grounds of ineligibility based on his current pay scale. Vikas, unlike Ajit Chauhan, raised a broader constitutional challenge to Regulation 4(ii), claiming that it is arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India, especially when applied to candidates who had already cleared Part I in an earlier cycle.

12. The reliefs sought in the respective petitions are reproduced hereunder:



Relief sought in W.P.(C) 11634/2019-

“(i) Issue a writ of mandamus directing respondent no.2 to notify and invite applications for the Common Assistant Accounts Officers (Civil) Examination for the year 2019, preferably within a period of two weeks from today, and thereafter conduct the examination and declare result of said examination as expeditiously as possible and additionally reckon eligibility of petitioner for Part-II Examination under Common Assistant Accounts Officers (Civil) Examination for the year 2019 as on date he applied for Part-I Examination in case notification for Part-II Examination is held after petitioner emerges successful in selection process for the post of senior judicial assistant/reader/ court officer held pursuant to notification dated 30.07.2019 issued by this Hon'ble Court;

(ii) Pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case.”

Relief sought in W.P.(C) 7003/2021-

“(i) Issue an appropriate writ, order or direction declaring that Regulation 4(ii) and 6 of Government of National Capital Territory of Delhi (Common Assistant Accounts Officer Examination) Regulations, 2017 in so far it provides eligibility condition, if any, for the purposes of Part II examination to be conducted in terms of the Regulations is unconstitutional/invalid/illegal being manifestly arbitrary, illegal, irrational and unreasonable and contrary to Articles 14,16 and 21.

(ii) Issue an appropriate writ, order or direction quashing/setting aside of the Notification bearing No. F.4(193)/Pr.AO/A-II/SAS/AAO Exam/2019/88-187 dated 15.06.2021 published for conducting Common Assistant Accounts Officers (Civil) Examination, 2021- Part II) as being arbitrary, illegal and violative of fundamental rights guaranteed by the Constitution of India;

(iii) Issue a writ of mandamus and/or any other appropriate writ, order or direction directing the Respondent No.2 Delhi High Court to forward the application of the Petitioner to Respondent No.1 GNCTD considering him to be eligible to appear in Part II examination of the Common Assistant Accounts Officer (Civil) Examination, 2021;

(iv) Pass any other or such further orders which this Hon'ble Court may deem fit and proper.”



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13. It was submitted in W.P.(C) 7003/2021, that the CAAO Examination is a composite process in two parts, and once a candidate qualifies Part I, his eligibility for Part II should be preserved, given that examination cycles are not always conducted on an annual basis and promotions during this interval are part of regular administrative progressions. It is also highlighted that the examination is a precondition for promotion to posts like Administrative Officer (Accounts) and Assistant Accounts Officer, which are Selection/Group A and B Gazetted posts within the Accounts Cadre of the High Court establishment.

14. Subsequently, petitioners in both the petitions, Ajit Chauhan and Vikas were permitted to appear in the 2021 Part II examination pursuant to interim directions passed in order dated 26.07.2021 in W.P.(C) 11634/2019 and order dated 26.07.2021 in W.P.(C) 7003/2021, which were passed by this Court.

15. Ajit Chauhan was successful in the said examination. Vikas, however, did not qualify in one of the three subjects of the 2021 Part II examination. Thereafter, he sought to appear in the 2024 cycle of the Part II examination, but his candidature was once again rejected on the ground that he was not in Pay Level 7 as on 01.04.2024, owing to his continued placement in a higher pay scale. Aggrieved by the repeated disqualification on similar grounds, he filed CM APPL. 127/2025 in W.P.(C) 7003/2021. This Court *vide* order dated 07.01.2025, permitted him to appear in the 2024 Part II examination



as an interim measure, subject to the result being kept in a sealed cover, pending final adjudication of the petition.

16. The petitioners' cases, though arising from different origins, wherein one is seeking equitable protection from disqualification arising from delay-induced promotion, and the other is challenging the disqualification along with the legality of the pay level eligibility criterion itself, does establish that they are intrinsically linked by the common grievance that the interpretation and application of Regulation 4(ii) may adversely affect candidates who had qualified Part I in a prior cycle but whose status subsequently changed in terms of pay.

17. The facts thus present an issue of continuing significance, i.e., whether Regulation 4(ii), which prescribes the eligibility of a candidate based on pay level as of 1st April of the exam year, can be rigidly applied to candidates who, through no fault of their own, were promoted after qualifying Part I but before the delayed conduct of Part II.

18. For the sake of convenience, we deem it appropriate to reproduce the relevant Regulations from the GNCTD (Common AAO Examination) Regulations, 2017:

“4. ELIGIBILITY FOR APPEARING IN THE EXAMINATION:



(ii) All Group 'C' & 'B' Non-Gazetted employees of Delhi High Court and District & Session Courts, equivalent to Subordinate Services of Government of National Capital Territory of Delhi as defined in Sub-Clause (f) of Clause 2 above, are eligible to appear in the Examination provided they are not more than 53 years of age and have rendered at least three years of regular service in the said grade as on the first day of April of the year for which the examination is to be held.

6. RELAXATION IN THE CONDITIONS OF ELIGIBILITY:

All the conditions of eligibility of the candidates to take up the examination has been laid down in Clause 4 & 5 above. The Administrative Departments of the Government of National Capital Territory of Delhi, Delhi High Court and District & Session Courts should scrutinize the eligibility conditions with reference to the regulations laid down and must ensure that all candidates recommended by them, for appearing in the Assistant Accounts Officer Examination, satisfy all the above conditions of eligibility. No request for relaxation will be entertained by the Government.”

9. RESULTS/PASS MARKS:

(i) A candidate who has qualified in all the four (4) papers of Part I and three (3) papers of Part II examination will be declared as passed and will be eligible for promotion as Assistant Accounts Officer. Such eligibility for promotion is further subject to availability of posts and fulfillment of other conditions, if any. In order to pass the Examination a candidate should secure 40% marks in each paper and an aggregate of 45% overall.

(ii) However, there shall be relaxation of marks up to 5 per cent in each individual paper for the candidates belonging to Scheduled Castes/Scheduled Tribes on the lines of existing provisions in the office of Controller General of Accounts, Government of India. This relaxation will be admissible for evaluating both the pass marks and aggregate required under sub-clause (i) as well as marks for exemption under clause- 10.

19. At this stage, we find it pertinent to summarise the submissions advanced by the learned Counsel for the respective parties.



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**Submissions on behalf of the petitioner in W.P.(C) 11634/2019
(Ajit Chauhan)**

20. We have heard Mr. Ankur Chhibber, learned Counsel appearing for the petitioner, who submitted that the eligibility of the petitioner to appear in Part II of the CAAO Examination must be assessed with reference to his status as on the date of application for Part I, i.e., when he was in Pay Level 7. It was argued that the examination is inherently composite and conducted in two stages, which are Part I and Part II, and that once a candidate has qualified Part I, he should not be rendered ineligible for Part II of the examination merely due to administrative delays, particularly where there is no fault attributable to the candidate.

21. The petitioner placed reliance on the delay between the notification dated 04.09.2017 and the actual conduct of Part I in December 2018, along with the result being declared on 27.05.2019. It was submitted that the delay in scheduling Part II, which was notified only on 15.06.2021, was wholly attributable to the respondent authorities, and during this time, the petitioner was promoted to Pay Level 8 in the regular course of service. Consequently, it was urged that the petitioner's ineligibility due to the higher pay scale cannot be used to his detriment.

22. It is further submitted that the respondents' interpretation effectively penalises employees for promotions that occurred only because of delays in exam scheduling, thereby frustrating the purpose of the CAAO Examination itself.



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Submissions on behalf of the petitioner in W.P.(C) 7003/2021 (Vikas):

23. We have heard Ms. Gunjan Sinha Jain, learned Counsel for the petitioner, who adopted the same foundational arguments as raised in W.P.(C) 11634/2019, and further challenged the rejection order dated 09.12.2024.

24. It is further submitted that the CAAO Examination is a qualifying examination conducted in two parts. Regulation 9 clearly provides that a candidate can appear in Part II only upon clearing Part I or being exempt under Regulation 10. Hence, Part II is inherently a continuation of Part I, and eligibility for Part II must be determined based on the status at the time of qualifying Part I.

25. It was urged that the administrative delay in conducting the Part II examination, despite the aforementioned judgment passed by this Court in W.P.(C) 3660/2015 to hold the exam annually, is what gave rise to the current predicament. The delay led to a change in the petitioner's pay level, thereby creating a disqualification not attributable to any fault of the petitioner.

26. A further reliance was placed upon the equivalence in pay-level nomenclature between posts in the Delhi High Court and those in the DASS cadre. It was contended that the petitioner's post of Senior Judicial Assistant in Pay Level 8 is equivalent to Grade II officers of the DASS cadre, and thus squarely fits within the eligibility class intended under the Regulations. It was further pointed out that the



respondents have not disputed this equivalence in any of their affidavits or responses before this Court.

27. It was submitted that the application of Regulation 4(ii) in this context has no rational nexus with the object sought to be achieved and effectively bars qualified candidates from further progression based solely on administrative lapses in scheduling.

Submissions on behalf of the respondent GNCTD (in both petitions):

28. We have heard Ms. Avnish Ahlawat, learned Standing Counsel appearing for GNCTD, who submitted that the eligibility conditions for appearing in the CAAO Examination are clearly laid down in Regulation 4(ii), which requires a candidate to be in Pay Level 7 as on 1st April of the relevant year. It was emphasised that Regulation 6 explicitly mandates strict scrutiny of eligibility conditions and bars any relaxation.

29. It was argued that the examination serves the purpose of providing promotional avenues to eligible employees of subordinate services carrying pay scales up to Level 7. Any relaxation or exception for employees who have since been promoted would be contrary to the intent of the regulatory scheme. The respondent submitted that permitting such employees to appear in Part II would create an anomalous situation where already-promoted staff would re-enter the pool of those still awaiting first-level advancement.



30. The learned counsel further submitted that the examination's regulatory structure was approved in consultation with the Law Department of GNCTD and is uniformly applied to all departments, including judicial establishments. The respondents relied on the Corrigendum dated 06.07.2017, which clarified that Clause 2(d) applies to employees of the Delhi High Court for the purpose of equivalence.

31. On the issue of delay, it was submitted that administrative constraints and the size of the examination process may have contributed to scheduling challenges. It was further submitted that considerable time was required to identify suitable expert body capable of maintaining the strict confidentiality necessary for conducting the examination. Therefore, there was never a violation of the judgment dated 27.04.2016 passed by this Court in W.P.(C) 3660/2015.

32. It was, therefore, submitted that the petitioners' grievances arise not from any illegality in the Regulations, but from their individual service progressions, and as such, both writ petitions are devoid of merit and liable to be dismissed.

33. Upon careful consideration of the arguments advanced by the parties and the documents placed on record, the following emerges:

- i.** The petitioners in both W.P.(C) 11634/2019 and W.P.(C) 7003/2021 had qualified Part I of the Common Assistant



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Accounts Officer (Civil) Examination pursuant to the Notification dated 04.09.2017. The said examination was conducted in December 2018 and the results were declared on 27.05.2019. Thereafter, no schedule was announced for the conduct of Part II for a considerable period.

- ii.** During this intervening period, both petitioners were promoted to higher pay scales in the ordinary course of service progression. Ajit Chauhan was promoted to Pay Level 8 w.e.f. 01.10.2019, and Vikas to Pay Level 8 on 01.10.2019 as well, and later to Level 10 by virtue of non-functional upgradation. It is not in dispute that these promotions occurred well before the GNCTD issued the Notification dated 15.06.2021 for the conduct of Part II, which stipulated that candidates must be in Pay Level 7 as on 01.04.2021.
- iii.** It is equally undisputed that the delay in scheduling Part II was not attributable to either petitioner. In fact, this Court had earlier directed in W.P.(C) 3660/2015 that the CAAO Examination be conducted annually. Despite such direction, there was a lapse of several years between the conduct of Part I and the issuance of notification for Part II. The respondents, in their submissions, have not denied the delay, but sought to justify it on administrative grounds.



34. In this backdrop, the principal issue for consideration is whether the petitioners can be disqualified from appearing in Part II on the ground that they no longer fulfil the pay-level condition under Regulation 4(ii), when their change in status was solely due to passage of time and progression in service, during a period when the authorities failed to timely conduct the examination.

35. The arguments advanced by the petitioners, particularly in W.P.(C) 7003/2021, draw attention to the composite structure of the examination and the fact that eligibility for Part II is premised on having cleared Part I, as provided under Regulation 9. In such circumstances, where the examination is inherently sequential and the delay between the two parts is unexplained or inadequately justified, disqualifying candidates on the basis of intervening promotions would amount to penalising them for circumstances beyond their control.

36. *Per contra*, the respondents have placed reliance on the mandatory language of Regulation 4(ii) and the strict scrutiny requirement under Regulation 6. While these provisions must undoubtedly be given their due weight, they cannot be applied in isolation or to the exclusion of context, especially when the very delay that altered the petitioners' eligibility status is acknowledged to be administrative and not attributable to the petitioners.

37. Before proceeding further, it is also necessary to note that the prayer clause (i) in W.P.(C) 7003/2021, which sought a declaration



that the examination scheme as notified is *ultra vires* and unconstitutional, was not pressed during the course of arguments. Accordingly, we do not consider it necessary to examine or render any finding on that aspect.

38. It is a settled principle of law that that no party should suffer adverse consequences due to administrative inaction or delay, particularly when they are not at fault. Where a statutory process is delayed by the authorities themselves, and the resulting disqualification stems solely from such delay, judicial interference is warranted to prevent manifest injustice. In this regard, reference may be made to the decision rendered by the Hon'ble Supreme Court in *Naushad Anwar v. State of Bihar*⁴, wherein the Court has observed as under:

“**19.** We are anguished by the very thought of the selection procedure dragging on for as long as four years between 2008 and 2012. Such inordinate delay and indolence is totally undesirable not only because it violates the fundamental rights of candidates who have qualified for appointment during the intervening period but also because it depicts a complete failure on the part of all concerned in regulating the selection and appointment process with a view to ensuring that the same is fair, objective and transparent. We cannot help saying that several questions have bothered us in regard to the selection process itself which leaves much to be desired but since there is no challenge to the selection or the appointments made pursuant thereto, we refrain from making any observation in regard to those aspects. All that we need say is that the selection and appointment of such a large number of employees under the local bodies ought to have been conducted in a more orderly fashion and more importantly the same should have been completed within the time-frame stipulated for the purpose or such reasonable extension thereof as may have become absolutely inevitable. A selection process that lingers on for years can hardly measure up to the demands of objectivity, fairness and

⁴ (2014) 11 SCC 203



transparency especially when the method by which inter se merit of candidates was determined is neither stipulated in the Rules nor any guidelines issued for the Selection Committee to follow have been placed before us.”

39. We are also of the considered view that, for the purpose of determining eligibility, the date of application should be treated as the relevant date for reckoning qualification. In this regard, reliance was placed on *Rakesh Kumar Sharma v. State (NCT of Delhi)*⁵, wherein the following was observed:

“**11.** There can be no dispute to the settled legal proposition that the selection process commences on the date when applications are invited. Any person eligible on the last date of submission of the application has a right to be considered against the said vacancy provided he fulfils the requisite qualification.

12. In *U.P. Public Service Commission v. Alpana* [(1994) 2 SCC 723 : 1994 SCC (L&S) 742 : (1994) 27 ATC 101] , this Court, after considering a large number of its earlier judgments, held that eligibility conditions should be examined as on the last date for receipt of applications by the Commission. That too was a case where the result of a candidate was declared subsequent to the last date of submission of the applications. This Court held that as the result does not relate back to the date of examination and eligibility of the candidate is to be considered on the last date of submission of applications, therefore, a candidate, whose result has not been declared up to the last date of submission of applications, would not be eligible.

16. In *Ashok Kumar Sharma v. Chander Shekher* [1993 Supp (2) SCC 611 : 1993 SCC (L&S) 857 : (1993) 24 ATC 798] [hereinafter referred to as *Ashok Kumar (1993)*], the majority view was as under : (SCC pp. 616-17, para 15)

“**15.** The fact is that the appellants did pass the examination and were fully qualified for being selected prior to the date of interview. By allowing the appellants to sit for the interview and

⁵ (2013) 11 SCC 58



by their selection on the basis of their comparative merits, the recruiting authority was able to get the best talents available. It was certainly in the public interest that the interview was made as broad based as was possible on the basis of qualification. The reasoning of the learned Single Judge was thus based on sound principle with reference to comparatively superior merits. It was in the public interest that better candidates who were *fully qualified on the dates of selection* were not rejected, notwithstanding that the *results of the examination in which they had appeared had been delayed for no fault of theirs*. The *appellants were fully qualified on the dates of the interview* and taking into account the generally followed principle of Rule 37 in the State of Jammu & Kashmir, we are of opinion that *the technical view adopted by the learned Judges of the Division Bench was incorrect....*”

(emphasis supplied)

However, the opinion of R.M. Sahai, J. had been that these 33 persons could not have been allowed to appear for the interview as they did not possess the requisite eligibility/qualification on the last date of submission of applications.”

40. In view of the foregoing analysis, this Court finds that the petitioners, having qualified Part I of the CAAO Examination in accordance with the applicable rules and being in Pay Level 7 at the relevant time, could not have anticipated that a prolonged delay in the conduct of Part II, which is wholly attributable to administrative reasons, would result in their ineligibility. Their subsequent promotions were in the ordinary course of service and cannot be held against them.

41. Therefore, the interim orders passed in favour of the petitioners, permitting Ajit Chauhan to appear in the 2021 Part II examination, *vide* order dated 26.07.2021 in W.P.(C) 11634/2019 and permitting Vikas to appear in the 2021 and 2024 Part II examinations, *vide* orders



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dated 26.07.2021 and 07.01.2025 in W.P.(C) 7003/2021 are accordingly made absolute.

42. The results of both petitioners shall now be declared, if not already, and all consequential benefits flowing therefrom shall be extended to them in accordance with law.

43. Pending applications, if any, shall stand disposed of.

44. No orders as to costs.

AJAY DIGPAUL, J.

C. HARI SHANKAR, J.

MAY 29, 2025/sk

Click here to check corrigendum, if any