



2025:DHC:4018-DB



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

Date of decision: 19.05.2025

+ W.P.(C) 5118/2025, CM APPL.23386/2025

NATIONAL COUNCIL OF EDUCATIONAL RESEARCH
AND TRAININGPetitioner

Through: Mr. Anand Nandal, Mr. Ashok
Kumar, Mr. Kuldeep Mishra,
Ms. Aahna Aggarwal, Advs.

versus

PARVESH SHARMARespondent

Through: Mr. Bhuvnesh Shukla, Mr.
Abhishek Shukla, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. The present petition has been filed, challenging the Order dated 05.09.2024 (hereinafter referred as 'Impugned Order') passed by the learned Central Administrative Tribunal (hereinafter referred as 'Tribunal') disposing of the O.A. No. 1178/2019 filed by the respondent herein, with the following direction;

"13. Given the above, we are of the opinion that the advertisement dated 12.03.2019 was lacking in particulars, as far as the post of PGT (Commerce) is concerned. The



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advertisement was vague and caused prejudice and distress to the applicant. Hence the same deserves to be quashed and set aside. Not only the above, the applicant who applied under the UR category and has paid Rs.500/- as payment towards the application fee, deserves reimbursement of the payment made by him alongwith interest. Further, we also direct the respondents to pay Rs.50,000/- to the applicant as litigation cost.”

2. The respondent had filed the above O.A., challenging his non-selection to the Post of PGT (Commerce) pursuant to the Advertisement No. 166/2016 issued by the petitioners inviting online applications for 14 PGT posts across multiple subjects including PGT (Commerce). It was the case of the petitioner that the respondent appeared in the screening test and was informed that he has topped the list of candidates for the post of PGT (Commerce). It is only when he was not called for the interview, he inquired for the reasons for the same and was informed that the post of PGT (Commerce) has been reserved only for an OBC category candidate and therefore, the respondent was not eligible for the same. Aggrieved by this decision, he filed the above said O.A.

3. The petitioner claimed that in the above said advertisement, a total of 14 posts of PGT across various subjects were advertised, out of which, 05 were for Unreserved category, 02 for SC category, and 07 (including backlog vacancies) were for OBC candidates. The petitioner claimed that applying the roster system, the post of PGT (Commerce) was found to be reserved for OBC category candidates and therefore, was processed accordingly.



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4. The learned Tribunal, by its Impugned Order, has held that in the advertisement, it was not mentioned that the post of PGT (Commerce) has been marked for OBC candidate, thereby informing the candidates who do not belong to the said category not to apply for the same. The learned Tribunal, therefore, found that the advertisement was vague and caused prejudice and distress to the respondent. The learned Tribunal, however, proceeded to quash the entire advertisement, at the same time awarding cost of Rs.50,000/- to the respondent towards litigation expenses.

5. The learned counsel for the petitioner reiterates that the reservation roster was rightly applied by the petitioner to determine that the post of PGT (Commerce) was for an OBC candidate. He submits that in the advertisement, this could not have been specifically stated as the entire vacancy position was fluid. He submits that the advertisement was issued in the year 2016 while final selection was being made in the year 2019. He submits that in any case, the entire advertisement could not have been quashed as persons against other posts stood appointed and they were not made parties in the O.A. He submits that the cost imposed by the learned Tribunal on the petitioner is also excessive and is liable to be quashed.

6. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that as the advertisement did not specifically state that the post of the PGT (Commerce) was reserved for an OBC candidate, the respondent applied for the same. Had he been informed of the reservation, he would not have applied for the



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same or participated in the selection process, resulting in waste of his money, time, and effort. The respondent also had to file the above O.A. and therefore, the learned Tribunal has rightly awarded cost to the respondent for the inconvenience cost by the acts of the petitioner.

7. He submits that as far as the relief of quashing the entire advertisement is concerned, he leaves it to this Court to determine the said relief.

8. We have considered the submissions made by the learned counsel for the parties.

9. Admittedly, 14 posts of PGT in various subjects was advertised by the petitioners. The advertisement, though mentioned that there were certain reserved posts, however, did not give the details as to which post is reserved and which is not. It is only for this reason, that the respondent applied for the post of PGT (Commerce) not knowing that the said post would be later declared to have been reserved for an OBC Candidate. He participated in the selection process and also gave a written examination. It is only at that stage, and that too not officially but unofficially, he was informed that the post was reserved for OBC category candidate. All this inconvenience could have been avoided had the petitioners in the advertisement itself mentioned which post stands reserved and for which category. We also agree with the finding of the learned Tribunal that the advertisement was vague on the aspect of reservation. If a particular post is to be treated as reserved, it has to be so specified in the advertisement so that persons belonging to the said category alone applies. Making persons



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to apply for post for which they are otherwise not eligible, is completely arbitrary.

10. We, therefore, do not find any infirmity in the cost that has been imposed by the learned Tribunal on the petitioners to be paid to the respondent.

11. However, at the same time, the learned Tribunal has proceeded to set aside the entire advertisement without appreciating that for the posts other than PGT (Commerce), where there was an *interim* Order passed by the learned Tribunal, other persons had been already appointed by the petitioners. These persons were not even parties to the O.A. and therefore, their rights could not have been prejudiced in the manner that has been done by the learned Tribunal, without affording them an opportunity of hearing them. We, accordingly, set aside the direction of the learned Tribunal of quashing and setting aside the entire advertisement. At the same time, we direct that as no candidate was appointed to the post of PGT (Commerce) due to the pendency of the above O.A., the said post shall not be filled but shall be readvertised so that all eligible candidates belong to the OBC category can apply for the same.

12. In view of the above while upholding the cost that had been directed to be paid by the petitioners to the respondent, the other direction of the learned Tribunal is accordingly set aside.

13. The cost imposed by the learned Tribunal shall be paid by the petitioners to the respondent within 2 weeks from today.



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14. The petition along with pending application is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 19, 2025

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Click here to check corrigendum, if any