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

Date of decision: 16.10.2025

+ W.P.(C) 8048/2025 & CM APPL. 35261/2025

DELHI SUBORDINATE SERVICES SELECTION BOARD

.....Petitioner

Through: Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advs.

versus

MAFISH

.....Respondent

Through: Mr. Puneet Rathi, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 25.10.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 2412/2019, titled ***Ms. Mafish v. Delhi Subordinate Services Selection Board, Secretary & Ors.***, allowing the said O.A. filed by the respondent herein with the following direction:

"20. Given the above, the OA is allowed with a direction to the respondents to consider the case of the applicant under vacancy notice dated 26.06.2018 for the post of Teacher (Primary) while treating the CTET certificate dated 04.01.2019 as a valid certificate. The applicant be considered as per her merit and in case, she is otherwise fit, she be offered the said post with notional benefits. The aforesaid exercise be completed within three months from the date of receipt of a certified copy of



this OA.”

2. With the consent of the learned counsels for the parties, the petition has been taken up for disposal at this stage itself.

3. The petitioner had issued an advertisement on 26.06.2018, *inter alia* inviting applications for recruitment to the post of Teacher (Primary) in the MCD under Post Code 1/18, in supersession of the vacancy notice for the Post Code 16/17 issued on 07.08.2017. The advertisement prescribed Central Teacher Eligibility Test (in short, ‘CTET’) qualification as one of the essential qualifications for the post. In the instructions, it was further stated that the closing date for submission of online application was 30.07.2018, whereafter the applications would not be accepted.

4. The respondent applied for the said post, however, she had not qualified the CTET as on the cut-off date, that is, the last date of online applications, which was 30.07.2018. She admittedly qualify the CTET only on 04.01.2019, securing 70 out of 150 marks.

5. The certificate issued by the Central Board of Secondary Education (‘CBSE’) further stated as under:

“1 Candidates securing 60% and above marks will be considered as CTET qualified. School managements (Government, Local Bodies, Government aided and un-aided) may consider giving concessions to persons belonging to SC/ST, OBC, differently abled persons etc., in accordance with their extant reservation policy.”

6. The respondent was declared disqualified for appointment on the ground that she had not obtained the CTET as on the cut-off date.



7. Aggrieved by the same, the respondent had approached the learned Tribunal in form of the above O.A..

8. The learned Tribunal, placing reliance on an Order of this Court dated 21.08.2019 in W.P. (C) 9040/2019, titled **Praveen Khatri & Ors. v. Government of NCT of Delhi & Ors.**, and the Judgment dated 27.10.2021 in the same case, held that as CBSE had not conducted the CTET Examination from 2016 till December, 2018, and as the respondent had qualified the CTET on the very first attempt even before the online examination result had been processed by the petitioner, she should be considered for the above post by treating her CTET certificate dated 04.01.2019 as a valid certificate.

9. The learned counsel for the petitioner has challenged the said Order, contending that the benefit in **Praveen Khatri** (supra) was peculiar to the facts of the said case and pursuant thereto, the Director of Local Bodies, Government of NCT of Delhi, with the approval of the Hon'ble Lieutenant Governor, had issued an Order dated 13.03.2020, extending the benefit of the same only to the post of Special Educator (Primary), making it clear that it was only a one-time relaxation granted. He submits that, therefore, the said benefit could not have been extended to the respondent, who had applied for the post of Teacher (Primary), under a different Post Code. He submits that, in fact, this Court in its Judgement dated 10.04.2019 in W.P.(C) 3621/2019, titled **Apoorva Dabas & Ors. v. Government of NCTD & Ors.**, had rejected a similar plea of relaxation for the post of Assistant Teacher (Primary).

10. He further submits that it is a settled law that the qualification



of a candidate is to be determined as on the closing date of the applications. In support of this submission, he places reliance on the Judgments of the Supreme Court in **Ashok Kumar Sharma & Ors. v. Chander Shekhar & Anr.**, (1997) 4 SCC 18, **Divya v. Union of India. & Ors.**, (2024) 1 SCC 448 and on **Union Public Service Commission v. Gaurav Singh & Ors.**, (2024) 2 SCC 605.

11. The learned counsel submits that, even if the benefit of the relaxation is extended to the respondent, she would still not be eligible to be considered for the post, inasmuch as she had not qualified the CTET even on 04.01.2019, having secured less than 60% marks in the examination. He submits that as per the advertisement, there was no relaxation granted on the CTET marks and therefore, granting such benefit to the respondent now would be contrary to the advertisement.

12. On the other hand, the learned counsel for the respondent, placing reliance on the Judgments of this Court in **Praveen Khatri** (supra), as also of the Punjab and Haryana High Court in **Poonam Gautam & Ors. v. Union of India & Ors.**, 2019:PHHC:066302, submits that the CBSE had not conducted the CTET between 2016 to 2018, and on this basis, this Court and the Punjab and Haryana High Court, in the above referred Judgments, had given one time relaxation to the candidates who were appearing for recruitment and had qualified the CTET before the final declaration of the results.

13. He further submits that though the respondent did not obtain the qualifying marks in the CTET result declared on 04.01.2019, she had duly qualified the CTET in a subsequent examination, the result whereof was declared prior to finalization of the result in the



recruitment process. He submits that, therefore, the said subsequent result should be considered by the petitioner and an opportunity of appointment should be extended to the respondent accordingly.

14. He submits that the respondent, being a Person with Benchmark Disability, is even otherwise entitled to relaxation in the prescribed qualifications, and strict rules thereof should not be applied to the respondent.

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

16. In the present case, we need not go further into the issue as to whether the CTET qualification obtained by a candidate post the cut-off date should be considered by the petitioner or not. We may only note that in **Praveen Khatri** (supra), the Court was dealing with the post of Special Educator (Primary), while the respondent herein applied for the post of Teacher (Primary). The Court had given the above directions keeping in view the fact that the post of Special Education Teachers requires urgent attention and calls for sensitivity towards children in need of such special education. The court had observed that non-filling of existing vacancies over the years has led to children with special needs suffering and being deprived of proper education.

17. In the present case, however, the respondent has applied for the post of Teacher (Primary) and therefore, the said Judgment may not strictly come to avail the respondent.

18. As far as the Judgment of the Punjab and Haryana High Court in **Poonam Gautam** (supra) is concerned, the benefit extended was



only for those who had qualified the CTET in the result declared on 04.01.2019. In the present case, however, the respondent has failed to qualify the CTET in the result declared on 04.01.2019.

19. On the other hand, this Court, in *Apoorva Dabas* (supra), had refused to grant any relaxation in prescription of qualifying CTET before the cut-off date.

20. As we said, we need not go deeper into the above issue for the reason that the advertisement did not provide for any relaxation in the CTET qualification. The CBSE, in its result declared on 04.01.2019, stated that though the respondent has not qualified the CTET, it is left open to the employer to prescribe any relaxed standards of the CTET for the SC, ST, OBC or the PWD category candidates. The petitioner not having prescribed any such relaxation in the advertisement, this Court would not be able to extend such benefit to the respondent. Extending any benefit of relaxed standard in the CTET to the respondent would in fact, amount to a violation of the rights conferred in others under Article 14 of the Constitution of India, inasmuch as, the other candidates who may not have obtained the requisite marks in the CTET and, therefore, would not have either applied or been considered eligible by the petitioner for purposes of recruitment, would be denied an equivalent opportunity to appointment.

21. The plea of the respondent that she had qualified the CTET before the final declaration of result by the petitioner also does not impress us. It is a settled law that the qualification of a candidate is to be determined as on the last date of submission of the applications, unless provided otherwise. In this regard, reference be made to the



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above Judgments referred above by the learned counsel for the petitioner as also to the Judgment of the Supreme Court in that ***Sakshi Arha v. The Rajasthan High Court & Ors.***, 2025 INSC 463. In the present case, even extending the benefit of the judgment of this Court in ***Praveen Khatri*** (supra) and of the Punjab & Haryana High Court in ***Poonam Gautam*** (supra), therefore, the respondent was not eligible for being considered for the post in question.

22. In view of the above, we are unable to uphold the Order passed by the learned Tribunal. The same is accordingly set aside.

23. The petition is allowed in the above terms. There shall be no Order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 16, 2025/ys/P/Yg