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

Date of decision: 28.08.2025

+ W.P.(C) 13014/2023 & CM APPL. 51398/2023
GOVT OF NCT OF DELHI AND ORS.

.....Petitioners

Through: Mr. Gaurav Dhingra with Mr.
Shashank Singh, Advts.

versus

KUSUM LATA & ANR.

.....Respondents

Through: Mr. S.K. Pandey and Mr. Rajan
Parman, Advts.
Mr. Rohan Jaitley, CGSC with
Mr. Dev Pratap Shahi, Mr.
Varun Pratap Singh, Ms. Yogya
Bhatia, Advts.

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 22.05.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2920/2018, titled ***Kusum Lata and Anr. v. GNCTD and Ors.***, allowing the O.A. filed by the respondent herein with the following directions:

"7. In view of the above discussion and having



regard to the directions of this Tribunal in Shri Rahul Singh Rathore (supra), the issue raised in the instant OA stands concluded by the aforesaid decision of the Tribunal. Being applied to the facts in the present O.A., as the last result was declared by the respondents on 16.08.2017 and the last candidature was cancelled on 08.11.2017, therefore, life of the panel would be reckoned from 08.11.2017. Therefore, for parity of reasons, we quash and set aside the impugned order dated 06.06.2018, with a direction to the respondents to fill up all the notified vacancies in terms of the reserved panel in accordance with the merit contained therein, including resultant vacancies of TGT (Maths) (Female) (Post Code 09/13) Should the applicants find a place amongst the selected candidates, they shall be issued offer of appointment, against these vacancies if otherwise found eligible, further they shall be entitled to all consequential benefits including seniority on notional basis from the date the last candidate in their category was appointed to the post and the actual benefits from the date of actual joining. These directions shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order.”

2. The petitioner No. 2 had issued Advertisement No. 01/13 inviting applications for the post of TGT Math (Female) under post Code-09/13 against 190 vacancies, which included 103 posts in the UR category, 20 posts in the OBC category; 44 posts in SC category, 23 posts in ST Category including 2 posts for physically handicapped. The respondents applied pursuant to the said advertisement.

3. In the result declared on 18.07.2016, the respondents were placed at serial no. 23 and 24, with candidates till serial no. 21 being



offered appointments. The respondents were, therefore, placed in the reserve list in terms of the Circular dated 13.06.2013 issued by petitioner no. 3.

4. Admittedly, a supplementary result was declared on 16.08.2017, whereunder three candidates from UR category, who had earlier been shown selected, were found to be provisionally eligible for the said post.

5. Thereafter, as some candidates failed to join service, their candidature was cancelled, with the last such cancellation taking place on 08.11.2017.

6. The respondent claiming that on such cancellation, the petitioners should have operated the reserve panel, approached the learned Tribunal by way of the above O.A.

7. As noted hereinabove, the O.A. has been allowed by the learned Tribunal finding that the last result having been declared on 16.08.2017 and the last candidature cancelled on 08.11.2017, the life of the panel would be reckoned from 08.11.2017.

8. The learned counsel for the petitioner submits that the learned Tribunal has erred in holding that the life of the panel would be reckoned from 08.11.2017.

9. He submits that the life of the panel ought to have been reckoned from the date of declaration of the result, which in the present case was 18.07.2016. He submits that the candidature of the selected candidates was cancelled on 29.09.2017 and lastly till 08.11.2017, that is, beyond the validity period of the reserve panel, therefore the panel could not be operated.



10. On the other hand, the learned counsel for the respondents submits that the last result being declared on 16.08.2017, even if the validity of the reserve panel is to be determined from the said date, the cancellations taking place on 29.09.2017 and up to 08.11.2017, the reserve panel should have been operated by the petitioners.

11. We have considered the submissions made by the learned counsels for the parties. In terms of the Notification dated 13.06.2013, the petitioner no. 2 has been directed to draw a reserve panel of up to the extent of 10 % of the post notified, in addition to the number of candidates selected as per the notified vacancies. Paragraph 2 of the said Notification reads as under.

“2. The reserve panel/ waiting list shall be valid for a period of 1 year from the date of declaration of result and the vacancies arising due to non-acceptance of the offer of appointment, not joining the post after acceptance of appointment; the candidates not found eligible for appointment or due to resignation of selected candidates within one year of joining the post, shall be filled up from this reserve panel/waiting list.”

12. The above notification clearly states that the reserve/ waiting list panel shall be valid for a period of one year from the date of declaration of result and on the vacancies arising due to non acceptance of offer of appointment etc.

13. In the present case, the result which was declared on 18.07.2016, cannot be said to be the final result inasmuch as it was provisional in nature for various candidates with their eligibility still to be determined. The final result, if at all, was declared only on



16.08.2017. Due to non-joining of certain candidates, their candidatures had been cancelled on 29.09.2017 up till 08.11.2017, that is, within the validity period of the reserve panel reckoned from 16.08.2017. Therefore, the reserve panel had to be operated by the petitioners.

14. We, accordingly, find no infirmity in the direction issued by the learned Tribunal.

15. The writ petition along with the pending application is accordingly, dismissed. The petitioners shall comply with the direction of the learned Tribunal within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 28, 2025/ys/p/ik