



2025:DHC:2590-DB



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

Date of decision: 09.04.2025

+ W.P.(C) 4535/2025

GOVT OF NCT OF DELHI AND ORSPetitioners

Through: Mrs.Avnish Ahlawat,
SC/GNCTD with Mr.Nitesh
Kumar Singh, Ms.Laavanya
Kaushik, Ms.Aliza Alam,
Mr.Amitoj Chadha and
Mr.Mohnish Sehrawat, Adv

versus

KAVITARespondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 21010/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4535/2025 & CM APPL. 21009/2025

2. This petition has been filed by the petitioners, challenging the Order dated 10.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No.2737/2024 (hereinafter referred to as, 'OA') titled *Kavita v. The Govt of NCT of Delhi through its Chief Secretary & Ors.*, allowing the said OA filed by the respondent herein following the Order dated 08.08.2023, in OA 1524/2022 titled



Anju and Ors. v. Govt. of NCT of Delhi and Ors. and connected matters.

3. A brief background of the facts giving rise to the present petition is that the respondent, pursuant to an Advertisement/Notification No. 02/21 dated 12.05.2021, issued by the Delhi Subordinate Services Selection Board (hereinafter referred to as, 'DSSSB') for vacancies for TGT (Male) and (Female) for various subjects and Assistant Teacher (Primary), had applied for the post of TGT (Maths) (Female) under the EWS category. The closing date for the submission of the online application was 24.06.2021, which was later extended till 04.07.2021. It is the case of the respondent that she could not resolve the deficiency memo issued with regard to her EWS certificate by the closing date due to the lockdown declared by the Government owing to the spread of the COVID-19 pandemic. As her candidature was later rejected by the petitioners on the ground that she could not submit her EWS certificate issued on or before the extended date for making the applications, the respondent filed the abovementioned OA before the learned Tribunal.

4. The learned Tribunal, by a common Judgment dated 08.08.2023, in OA 1524/2022 titled *Anju and Ors. v. Govt. of NCT of Delhi and Ors.* and connected matters, allowed the said OAs filed by similarly situated individuals as the respondent herein, directing as under :-

“12. Conclusion:

12.1 In conspectus of the facts of the case and in view of the above discussion, we are convinced that the applicants do possess valid EWS Certificates issued to them by the



Competent Authority based on their financial status, income and assets and met the eligibility criterion. Therefore, we allow these OA(s) in peculiar facts and circumstances as narrated herein-above, the rejection notices of the respective applicants for respective categories are quashed and set aside. The applicants in all these OA(s), who are having EWS Certificates for last three financial year(s) as on the cutoff date, the respondents are directed to re-examine and reconsider the cases of the applicants afresh. On reexamination, if their candidature is found to be in order in view of the observation supra, the respondents shall process their cases, and issue offer of appointment(s) in their respective post code and respective category as per their merit position, if otherwise fulfilling other eligibility conditions as per RR's. The applicants shall be entitled to all consequential benefits which shall flow on a notional basis only. The actual benefit shall accrue from the date when the applicants actually join the post.

12.2 The above exercise shall be completed by the respondents within a period of twelve weeks from date of receipt of a certified copy of this order.”

5. The above Judgment was challenged by the petitioners before this Court in the form of W.P.(C) 2814/2024, titled ***Govt. of NCT of Delhi and Anr. v. Rishikesh Sharma***, and connected petitions. This Court in its Order dated 22.05.2024, upon hearing the parties, observed as under:-

“5. Having perused the impugned order as also the aforesaid decisions relied upon by both sides, we are of the view that, in the peculiar facts of the present case, the learned Tribunal was justified in directing the petitioner to consider the candidature of respondents on merits.”



6. The said batch of petitions was later dismissed by this Court vide its Order dated 19.07.2024, directing the petitioners to carry out the directions of the learned Tribunal within a period of 6 weeks from the date of the said Order.

7. We are informed that an Order in compliance with the directions of this Court, has been issued by the DSSSB.

8. The learned counsel for petitioners reiterates that as the respondent did not submit her EWS certificate along with her application before the closing date, she was rightly not offered an appointment. She further submits that presently there are no vacancies against which the respondent can be accommodated.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that this Court has already dismissed the petitions raising similar pleas filed by the petitioners, and the petitioners should not be allowed to re-agitate the same plea in this petition. He further submits that before the learned Tribunal, the petitioners were directed to keep seats vacant for the respondent, if not already filled. He submits that, therefore, the petitioners cannot make the relief, which has been granted to the respondent, infructuous, by now claiming that there is no vacancy against which the respondent can be accommodated.

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

11. As would be evident from the above, the issue raised by the petitioners in the present petition already stands decided by this Court vide its Order dated 22.05.2024 read with Order dated 19.07.2024



referred to hereinabove. Merely because of the change of the Bench of this Court, this Court would not like to re-open the issues which have already been settled and, in fact, as claimed by the learned counsel for the respondent, partly implemented by the issuance of necessary Orders by the DSSSB.

12. As far as the lack of vacancies is concerned, the learned Tribunal *vide* its Order dated 10.12.2024, passed in OA 2737/2024 has directed the petitioners to verify the admissibility of the Income and Asset certificate issued by the Competent Authority, within a period of 30 days. Thereafter, if the certificate is found admissible as per the applicable rules and regulations, the respondents were directed to consider issuing an offer of appointment to the applicant within 45 days. If appointed, the respondent would be entitled to all the consequential benefits, such as fixation of pay, seniority and promotion, on a notional basis. We are of the opinion that once the respondent has succeeded in the OA filed by her, she cannot be denied the relief; the Order of the learned Tribunal needs to be implemented.

13. Therefore, we find no merit in the present petition. The same, along with the pending application is accordingly, dismissed.

14. The petitioners shall comply with the directions issued by the learned Tribunal within a period of 6 weeks from today.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 9, 2025/rv/DG

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