



2025:DHC:11101-DB



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

Date of decision: 09.12.2025

+ W.P.(C) 16875/2025 & CM APPL. 69405/2025
UNION OF INDIA AND ORSPetitioners
Through: Mr.Sushil Kumar Pandey, SPC
with Ms.Shivani Supriya, Adv.

versus

MURALI NRespondent
Through: None

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners challenging the Order dated 20.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O. A. No. 3520/2017, titled ***Murali N v. Union of India Through its Secretary & Ors.***, allowing the O.A. filed by the respondent herein with the following directions:

"7. In the light of the above, we are of the considered view that the balance of convenience in the instant OA clearly lies with the applicant. It is the respondents who are to be faulted for arbitrarily increasing the number of vacancies reserved for Ex-servicemen in the Income Tax Inspector (Group 'C') category from 15 to 33 and then to 50. Accordingly, we direct the respondents



to consider appointing the applicant to the post of Income Tax Inspector (Group 'C') in CBDT, if otherwise found fit, within a period of two months from the date of receipt of a certified copy of this order. The applicant would get all notional benefits like fixation of pay and allowances and seniority. However, there will be no payment of any arrears of salary on the principle of 'No work no pay'. There will no order as to costs."

2. The brief facts giving rise to the present petition are that the petitioners published a Notice for Combined Graduate Level Examination, 2016 (CGLE) in the Employment News on 13.02.2016, calling for applications for posts of Income Tax Inspector (ITI).

3. The respondent, an Ex-serviceman, participated in the said process, result whereof was declared on 28.02.2017 and secured 32nd rank (the learned counsel for the petitioners confirms that the respondent, in fact, secured 38th rank) in the same. He, however, did not attend the scheduled document verification on 23.04.2017 as only 15 vacancies were purported to be allocated for Ex-servicemen. The document verification process for the Central Regional Office at Allahabad was completed on 28.04.2017, and the data of all the candidates who had appeared at that stage was forwarded to the Headquarters for processing and finalisation of the result.

4. It is admitted that, by way of an inter-departmental letter dated 20.04.2017, the Central Board of Direct Taxes (CBDT) intimated the Staff Selection Commission to revise the vacancies of Ex-Servicemen by increasing the quota to 33 (wrongly recorded in the Impugned Order as 35). Now seeing a chance to be appointed and coming to



know of the said revision, the respondent presented himself for document verification on 22.05.2017, however, he was not allowed to participate in the same as he had already been marked absent in the previous round of document verification.

5. Importantly, the CBDT again increased the number of vacancies for the Ex-Servicemen to 50, whereafter again the respondent presented himself for document verification but again was rejected for the same on the same ground. The final result was then published on 04.08.2017 in which the name of the respondent did not feature. Aggrieved of the same, he filed the above O.A.

6. As noted hereinabove, the learned Tribunal has allowed the O.A. filed by the respondent by way of its Impugned Order and has directed the petitioners to consider appointing the respondent to the post of ITI in CBDT, if he is otherwise found fit.

7. The learned counsel for the petitioners, drawing our reference to Clause 10 of the Advertisement, submits that the candidates had been warned that they are required to appear for the document verification and those failing to do so, will not be considered for final selection. He submits that the respondent, having failed to appear for document verification when called, has missed his chance for being considered for selection.

8. Placing reliance on the Judgment of the Supreme Court in ***Mohit Kumar v. State of Uttar Pradesh***, 2025 INSC 704, he submits that the terms of the Advertisement have to be strictly adhered to and the candidate cannot be allowed to challenge the same, having



participated in the selection process.

9. He submits that mere increase in the number of vacancies will not entitle the respondent to appear for document verification, having not availed of that chance when earlier given.

10. We have considered the submissions made by the learned counsel for the petitioners, however, find no merit in the same.

11. Admittedly, at the initial stage, only 15 vacancies had been earmarked for the Ex-servicemen category. The respondent, who secured 32nd /38th rank certainly would have felt that he had no chance of appointment and, therefore, may have decided not to waste his time by appearing for the document verification on 23.04.2017. It is only in the interregnum that the CBDT first intimated the SSC to increase the number of vacancies for Ex-servicemen to 33, *via* an inter-departmental communication dated 20.04.2017. The vacancies were thereafter, again increased to 50, thereby giving the respondent a realistic chance of being appointed on merit.

12. The respondent, on becoming aware of the increase in vacancies, at both the occasions, attempted to appear for the document verification, however, was denied the same stating that he had earlier not participated in the document verification process.

13. We find that the petitioners, having increased the number of vacancies during the recruitment process, cannot now seek to enforce Clause 10 of the Advertisement strictly. Once the number of vacancies are increased, it should have given an opportunity to the respondent to participate in the document verification process, as, at that stage, the



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respondent would have felt that he had a realistic chance of being appointed to the post in question. To this effect, the Judgement of the Supreme Court in *Mohit Kumar* (supra) can also be distinguished from the facts of the present case.

14. We, therefore, find no infirmity in the Order passed by the learned Tribunal.

15. The petition along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 9, 2025/sg/ik