



2025:DHC:7974-DB



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

Date of decision: 10.09.2025

+ W.P.(C) 13876/2025 & CM APPL. 56858/2025

GOVT OF NCT OF DELHI AND ORSPetitioners

Through: Mrs.Avnish Ahlwat, SC,
Mr.Nitesh Kumar Singh, Adv.

versus

RUCHI AND ANRRespondents

Through: Nemo

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 13.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.128/2019, titled ***Ruchi v. Govt. of NCT of Delhi & Ors.***, whereby the said O.A. filed by the respondent no. 1 herein was allowed with the following directions:

“5. Accordingly, we direct the respondents to issue an offer of appointment for the post of Lab Technician Group III under UR Category to the applicant, subject to her fulfilling the eligibility terms and conditions of the advertisement. The applicant's seniority shall also be re-fixed accordingly. The applicant having qualified for a higher post is entitled to get benefits as well. Appropriate orders shall be issued within a period of two months from the date of receipt of a certified copy of this order.”



the petitioners *vide* Advertisement No. 01/2014 and all stood filled, the learned Tribunal ought to have cancelled the appointment of the respondent no.2 while directing the petitioners to appoint the respondent no.1.

8. We are not impressed with the above submission of the learned counsel for the petitioners.

9. In the present case, the entire controversy has arisen due to the acts of the petitioners themselves, inasmuch as, instead of offering the post to the respondent no.1, who had admittedly scored higher marks than the respondent no.2, the same was offered to the respondent no.2. The respondent no.1 immediately approached the learned Tribunal by way of the above O.A. and has rightly been granted relief. At the same time, during the pendency of the said O.A., the respondent no.2 has worked with the petitioners. It is not as if the respondent no.2 had any role to play in his selection over the respondent no.1.

10. In these peculiar facts, even if the petitioners are required to create a supernumerary post to accommodate the respondent no.1 to the post of Lab Technician (Group-III), they would be liable to do so.

11. We therefore, find no infirmity in the Impugned Order. The petition is, accordingly, dismissed. The pending application also stands disposed of as infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 10, 2025/Arya/DG