



\$~2 (Spl. Bench)

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

Date of decision: 10.10.2025

+ LPA 754/2023

ASHWIN MURLI

.....Appellant

Through: Mr.Ankur Chhibber, Adv.
(*Amicus Curiae*), Ms.Muskaan
Dutta, Adv. along with the
appellant in person.

versus

OIL AND NATURAL GAS CORPORATION LTD & ORS.

.....Respondents

Through: Mr.Chetan Sharma, ASG with
Mr.Vikramaditya, Mr.Sidhant
Kumar, Mr.Om Batra, Mr.Amit
Gupta, R.V. Prabha, Mr.Vinay
Yadav, Mr.Naman &
Mr.Shubham Sharma, Advs for
R-1 & R-2
Mr.Atul Krishna, SPC with
Mr.Gokul Sharma, GP for R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

REVIEW PET. 511/2025 & CM APPL. 63627/2025

1. We have considered the contents of the Review Petition and also heard the submissions made by the learned ASG.
2. The learned ASG submitted that this Court had erred in not appreciating that a vacancy reserved for the Persons with Benchmark Disability (PwBD) does not lapse on a suitable candidate not being



found in the subsequent year; it is carried forward for further period upto two recruitment years, and only thereafter, does the reservation lapse. He placed reliance on the advertisement and the Office Memorandum dated 15.01.2018 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training. The learned ASG further submitted that to give the effect to the Judgment of this Court would mean that the reservation for PwBDs would in fact be lower in the subsequent years.

3. We are unable to accept the submissions of the learned ASG.

4. In the present case, by the advertisement, 06 carried forward posts for PwBDs, which had not been filled in the previous recruitment year, as well as 02 posts in the category 'B' and 01 post in category 'C', which had also been carried forward from earlier two recruitment processes, had been advertised. The advertisement further stated that if a suitable candidate from the reserved benchmark disability was not available, then a PwBD candidate of other benchmark disability may be considered by interchange of category among identified suitable benchmark disabilities, and *"if no suitable PwBD candidate even by the interchange of benchmark disability is available, the carried forward post will be filled up with other than a person with benchmark disability"*. We quote the concerned condition of the advertisement as under:

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SL No	Name of Post	Essential Qualification	GATE Subject	Nos. of Vacancies						Identified Suitable for Benchmark ed disabilities	Reservation for Benchmarked disabilities Categories				
				UR	OBC	SC	ST	EWS	Total		A	B	C	D / E	Total



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6	AEE (Instru mentati on)	Graduate Degree in Instrume ntation Engineeri ng with minimum 60% marks	Instru mentati on Engine ering (IN)	14 (4**)	7 (3**)	3 (1**)	5	3	32	Category A (LV) Category B (HH); Category C (OA, BA,OL, BL, AAV, LC, DW); Category D (ASD(M),S LD, MI); Category E (Combinati on of A to D)	5	9 (6*) (2^)	1 (1^)	2	17 (B-6* & 2^) (C-1^)
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**Carried forward reservations of advt. No. 3/2019(R&P) for posts filled by other than PwBD. If the suitable candidates from respective benchmark disabilities are not available then PwBD candidate of other benchmark disabilities may be considered by interchange of category among identified suitable benchmark disabilities and if no suitable PwBD Candidate even by interchange of benchmark disabilities is available, the carried forward reservations will be filled up with other than a person with benchmark disabilities.*

^Carried forward reserved vacancies of advt. No. 3/2019(R&P) and 3/2018(R&P). If the suitable candidates from respective benchmark disabilities are not available then PwBD candidate of other benchmark disabilities may be considered by interchange of category among identified suitable benchmark disabilities and if no suitable PwBD candidate even by interchange of benchmark disabilities is available, the carried forward vacancies can be filled up with other than a person with benchmark disabilities."

5. Similar is the stipulation in paragraph 8.4 and 8.5 of the Office Memorandum dated 15.01.2018, which we reproduce herein below:

" 8. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:



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8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

8.5 In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year."

6. Taking note of the above conditions, we have, in our judgment, directed that as the carried forward vacancies also remained unfilled in the recruitment process, the position be offered to the petitioner, who admittedly is a Person with Disability.



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7. As far as the submission of the learned ASG that to give effect to our Judgment would, in fact, lower the reservation of PwBD candidates in subsequent years is concerned, we find no merit in the same, as the reservation is to continue. The only effect of the advertisement and the Office Memorandum dated 15.01.2018 is that in the current recruitment process, the post can be filled by persons other than PwBDs. This shall have no effect on overall reservation for PwBDs in the subsequent recruitment process.

8. Accordingly, we find no merit in the present Review Petition. The same, along with the pending application, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

OCTOBER 10, 2025/Arya/ik