



2025:DHC:6960-DB



\$~35

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

Date of decision: 18.08.2025

+ W.P.(C) 12329/2025 & CM APPL. 50246/2025
JITENDER AND ORS.Petitioners

Through: Ms.Pragnya Routray, Adv.

versus

DSSSB & ANR.Respondents

Through: Mr.Avnish Ahlawat, SC,
Mr.Nitsh Kumar Singh,
Ms.Aliza Alam, Mr.Mohnish
Sehrawat, Advs.
Ms. Divya Swamy, SC for
MCD along with Mr.
Yagyawalkya Singh Ms. Nidhi
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE SAURABH BANERJEE

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 12.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3089/2025, titled ***Sunil Kumar Mishra & Ors v. DSSSB & Anr.***, disposing the O.A. filed by the petitioners herein.

2. By the aforesaid O.A., the petitioners had *inter alia* challenged the Advertisement No.1/25 dated 04.07.2025 for the Post Code 01/25,



2025:DHC:6960-DB



issued for the post of Malaria Inspector, to the extent it failed to include contractual employees as Departmental Candidates, and thereby deprived them of the benefit of age relaxation in terms of the Judgment dated 15.11.2011 passed by this Court in *Delhi Subordinate Services Selection Board & Anr. v. Preeti Rathi*, 2011:DHC:5741-DB.

3. The said O.A., however, has been dismissed by the learned Tribunal on the ground that the petitioners had approached it belatedly and only after the last date for submission of the applications under the Impugned Advertisement had expired.

4. The learned counsel for the petitioners submits that the Impugned Advertisement is contrary to the Recruitment Rules as well as the Judgment of this Court referred hereinabove. She submits that the petitioners, who were working on contractual terms, ought to have been treated as Departmental Candidates and granted the benefit of age relaxation for the purpose of applying pursuant to the Advertisement. She further submits that, by virtue of the Order dated 07.08.2025 passed by the learned Tribunal in O.A. Nos. 2945/2025, 2973/2025 and other connected matters, similarly placed employees were granted the benefit of applying offline, despite the last date for submission of the applications having passed. She submits that such employees have been permitted to file applications even as late as 13.08.2025, which were accepted by the respondents. She submits that similar relief could not have been denied to the petitioners merely because they approached the learned Tribunal with a slight delay. In support, she placed reliance on the Judgment of the Supreme Court in



2025:DHC:6960-DB



State of Karnataka & Ors. v. C. Lalitha, (2006) 2 SCC 747, and *State of Uttar Pradesh & Ors v. Arvind Kumar Srivastava & Ors*, (2015) 1 SCC 347.

5. On the other hand, the learned counsel for the respondents, who appears on advance notice, submits that the Impugned Advertisement was published on 04.07.2025 and remained open for applications until 07.08.2025. During this entire period, the petitioners neither approached the learned Tribunal nor made any representation to the respondents, challenging the terms of the Advertisement. She submits that, unlike other employees who had approached the learned Tribunal well before the cut-off date and were extended the benefit of an interim order directing the respondents to accept their offline applications, the petitioners approached the learned Tribunal only on 11.08.2025, that is, after the cut-off date had expired. She further submits that granting the same benefit to the petitioners would open a Pandora's box, with many other employees seeking similar reliefs, thereby rendering the entire selection process unviable. She also denies the claim on merits raised by the petitioners in the O.A. before the learned Tribunal.

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

7. In the present case, the Impugned Advertisement was issued on 04.07.2025 and remained open for a period of more than a month, with the closing date being 07.08.2025. It has not been shown to us that the petitioners ever made any representation, let alone approached the learned Tribunal, to challenge the terms of the Advertisement



2025:DHC:6960-DB



during this period. It is only after the cut-off date, that is, on 11.08.2025, that the petitioners approached the learned Tribunal by way of the above O.A. They now seek the benefit of the interim order granted in favour of those employees who had approached the learned Tribunal prior to the cut-off date. In our opinion, the petitioners cannot claim such parity. Granting *interim* relief to them would open a Pandora's box, rendering the entire selection process unviable, as many other similarly situated persons may also approach the learned Tribunal, thereby leading to repeated extensions of the cut-off date.

8. At the same time, we find that the learned Tribunal has erred in disposing of the O.A. filed by the petitioners. The petitioners had specifically challenged the terms of the Advertisement. Such a challenge has to be considered by the learned Tribunal on its merits and cannot be rejected merely on the ground that the petitioners have approached the learned Tribunal a little belatedly, that is, after the cut-off date. The O.A. was within the period of limitation and, therefore, could not have been dismissed on the ground of delay and laches. Even otherwise, the challenge to the Advertisement is already pending adjudication before the learned Tribunal in the aforesaid O.As. filed by other similarly placed employees and in which *interim* orders have been passed. The challenge raised by the petitioners, therefore, should also be considered by the learned Tribunal along with the other O.As.

9. We, therefore, while upholding the Impugned Order insofar as it denies an *interim* relief to the petitioners for acceptance of their applications offline by the respondents, at the same time, restore the O.A. to its original number, to be considered by the learned Tribunal



2025:DHC:6960-DB



along with the other O.As. which are listed before the learned Tribunal on 19.11.2025. In case the petitioners succeed in their challenge to the Advertisement, they shall be entitled to an appropriate relief in that regard from the learned Tribunal notwithstanding that they could not apply pursuant to the advertisement.

10. The parties shall appear before the learned Tribunal on 19.11.2025.

11. To expedite the adjudication of the OA, we direct that the respondents shall file their reply to the O.A. filed by the petitioners, within a period of four weeks from today. Rejoinder thereto, if any, shall be filed by the petitioners at least one week in advance of the next date of hearing before the learned Tribunal.

12. The result of the selection process shall remain subject to the outcome of the aforesaid O.As. which are pending adjudication before the learned Tribunal.

13. We, however, make it clear that we have not expressed any opinion on the merits of the petitioners' challenge to the Advertisement.

14. The writ petition and the application are disposed of in the above terms.

NAVIN CHAWLA, J

SAURABH BANERJEE, J

AUGUST 18, 2025/Arya/DG