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

Date of decision: 26.09.2025

+ W.P.(C) 13444/2021 & CM APPL. 56725/2022
AJEET SINGH

.....Petitioner

Through: Mr.Ankur Chhibber,
Mr.Anshuman Mehrotra,
Ms.Muskaan Dutta, Mr.Arjun
Panwar, Mr.Amrit Koul &
Mr.Prahil Sharma, Advs

versus

DELHI SUBORDINGATE SERVICES SELECTION BOARD
DSSSB & ANR.Respondents

Through: Mrs.Avnish Ahlawat, SC for
GNCTD Services (DSSSB)
with Ms.Aliza Alam &
Mr.Mohnish Sehrawat, Advs
Ms.Richa Kapoor, Ms.Udipti
Chopra, Mr.Harsh Gautam &
Mr.Kunal Anand, Advs for R-2

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 13.09.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 1989/2021, titled *Ajeet Singh v. Delhi Subordinate Services Selection Board & Anr.*, dismissing the O.A. filed by the petitioner herein.



2. It is the case of the petitioner that the petitioner had applied for the post of Administrative Officer/Zonal Revenue Officer with the respondent no.2/Delhi Jal Board under Post Code 67/12, pursuant to advertisement No. 02/2012 issued by respondent no.1/Delhi Subordinate Services Selection Board (DSSSB).

3. It is further the case of the petitioner that there were a total of five (5) vacancies advertised for the post of Administrative Officer/Zonal Revenue Officer, of which two were under the unreserved category.

4. The petitioner cleared the Tier-I and Tier-II examinations and in the result that was declared by respondent no.1 on 14.03.2019, he was at Serial No.1 of the Reserved List/Wait List panel. The result that was declared by respondent no.1 on 14.03.2019 was subject to the verification of the documents of the selected candidates, on the basis of which they claimed to have fulfilled all the eligibility conditions as prescribed in the Recruitment Rules and the terms and conditions of the advertisement inviting applications, and also subject to thorough verification of their identity with reference to their photographs, signatures/handwriting, etc., on the application form, admission certificate, etc.. The appointment letters were to be issued to the candidates meeting the eligibility criteria as laid down in the Recruitment Rules, and only after verification of the correctness of the information furnished in the application form and of the documents related to educational qualification, age, etc..

5. The respondent no.2, *vide* its letter dated 06.03.2020, informed the respondent no.1 that for the five (5) candidates whose dossiers



were forwarded by respondent no.1, respondent no.2 could carry out the verification process for only three (3) candidates, who were then appointed on 09.10.2019; however, the appointment in respect of 2 candidates was still pending due to verification of their experience certificates. They stated that the verification process itself may take three to four months and, therefore, requested that the reserved/wait list panel's validity be extended for a period of six months. This request of respondent no.2 was reiterated by respondent no.2 *vide* its letter dated 14.10.2020. Herein it is important to note that due to the outbreak of the Covid-19 pandemic, the country was under a virtual lockdown with effect from 23.03.2020.

6. It is only *vide* a communication dated 09.11.2020, that the respondent no.1 refused to extend the validity of the reserved /wait list panel, stating that it had received the returned dossiers only in September 2020, that is, after a lapse of the validity of the panel.

7. It is not denied that the respondent no.2 cancelled the offer of appointment to one of the selected candidates, namely, Shri Pradeep Kumar, *vide* letter dated 08.01.2021, on the ground that he could not produce all documents related to educational qualification and working experience.

8. On being informed of the same, the petitioner first filed a representation seeking appointment, and thereafter, approached the learned Tribunal by way of the above O.A.

9. The learned Tribunal has been pleased to dismiss the O.A. filed by the petitioner, observing that as the validity of the selected panel was only for one year from the date of the declaration of the result, the



same expired on 14.03.2020 and, therefore, the petitioner could not be granted any relief.

10. The learned counsel for the petitioner, by placing reliance on the judgment of this Court in ***Delhi Subordinate Services Selection Board v. Lokesh Kumar Ors.***, 2013 SCC OnLine Del 947, submits that this Court, in identical facts, had observed that the recommendation of a candidate by respondent no.1, though he/she was ineligible for the same, cannot be treated as a final result. The Court further observed that it was for the Requisitioning Department to decide whether or not it would like to have the candidate in the wait list and, therefore, the dossiers of all candidates who have secured more than the cut off marks should ideally be sent by respondent no.1 to the Requisitioning Department.

11. The learned counsel for respondent no.2 contends that while five (5) candidates were required by respondent no.2 for the said post, appointment of one (1) candidate had to be cancelled, and his dossier returned back to respondent no.1 *vide* letter dated 15.09.2020, and candidature of two (2) candidates was cancelled *vide* memo dated 08.01.2021. Only two (2) of the selected candidates joined the services. The learned counsel for the respondent no.2 submits that it is in these circumstances that the respondent no.2 had requested respondent no.1 for sending further candidates for appointment, which respondent no.1 declined.

12. On the other hand, the learned counsel for respondent no.1, placing reliance on the policy decision/notification dated 27.06.2018 issued by the Government of NCT of Delhi, submits that the validity



of the select panel is only for one year from the date of declaration of the result, and all vacancies arising due to non-acceptance of the offer of appointment, not joining the post after acceptance of appointment, candidates not found eligible for appointment or due to resignation of selected candidates within the said period, are to be filled up from the select panel. He submits that respondent no.2 delayed the scrutiny of the documents submitted by the selected candidates and, in the meantime, the validity of the select panel expired. It is for this reason that no further extension could have been granted to respondent no.2 to keep the validity of the select panel valid, and the request of the same made by the respondent no. 2 was rightly rejected by respondent no.1.

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

14. From the above narration of facts, it would be evident that even prior to the expiry of the one-year period from the declaration of the result, the respondent no.2 had informed respondent no.1 of its inability to carry out the verification process for two of the candidates, and requested respondent no.1 for extension of the period of the select panel. The result dated 14.03.2019, declared by respondent no.1, was itself provisional in nature and cannot be considered as final. It was subject to *inter alia* the verification of the documents submitted by the candidates by the Requisitioning Department. The paragraph 2 of the Result Notice dated 14.03.2019, issued by respondent no.1, reads as under:-

“2. The selection of the above candidates shall



further be subject to genuineness of the documents on the basis of which they have claimed to have fulfilled all the eligibility conditions as prescribed in the RRs and terms and conditions of advertisement inviting applications and subject to thorough verification of their identity with reference to their photographs, signatures/handwriting etc. on the application form, admission certificate etc. The candidature of the above candidates are liable to be cancelled by the User Department also, in case the candidates are found not to be fulfilling the terms & conditions of the advertisement inviting applications for the said post code. The Competent Authority of the Department concerned shall issue the appointment letter to the candidates after satisfying himself of their eligibility as laid down in the recruitment rules and on verification of the correctness of the information furnished in the application form and the documents related to Educational Qualification, Age and other essential Certificates as per Govt. of India instructions issued in this regard vide MHA O.M. No. 2/29/54-RPS, 19-11-54”.

15. In similar circumstances, this Court in **Lokesh Kumar** (supra) had observed that the candidate who is ultimately found to be ineligible, can never be treated as a selected candidate. It is the next candidate in the wait list who has to be treated as a selected candidate. It was further observed that applying the rule of the validity of the panel rigidly would, in fact, defeat the very purpose and object of the same, as the Requisitioning Department would be left without the post being filled. The Court held that it is for the Requisitioning Department to determine whether it requires candidates from the select panel or not. We quote from the Judgment as under:-



“5. Reason and logic demands that where an ineligible person is permitted to compete at a competitive examination and is at number '1' for the only post, but upon realization that he was ineligible, the placement in the select list at the serial number in question has to be removed resulting in the next candidate moving up the ladder. On the facts of the instant case this would mean that respondent No.1 would be entitled to be treated as candidate at serial number '1' of the panel.

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11. Before bringing the curtains down we wish to bring on record that the budget of the Delhi Subordinate Services Selection Board runs into crores of rupees every year. It is the duty of the Selection Board to ensure that as far as possible every vacancy notified to be filled up is filled up if eligible candidates are available. It does not sub-serve public interest if public post remains unfilled. We are finding in very second litigation being fought against the Selection Board that a panel is drawn up limited to the number of vacancies notified to the Selection Board by the Government of Delhi or autonomous bodies under the aegis of the Government of Delhi. The Selection Board does not scrutinize the certificates filed by the applicants before permitting them to take the competitive examinations. The result is that if 10 vacancies have to be filled up, a Select Panel of 10 is drawn up. Thereafter, the said 10 candidates are called for the certificate submitted by them to be verified. If any deficiency is found or noted in a certificate issued, the empanelled candidate is de-empanelled and the Board then takes a stand that since it has not drawn up a reserve list, it would not forward the name of the next selected candidate who is also above the qualifying mark limit prescribed. Not only does this breed litigation but even results in public posts remaining unfilled. As in the instant case, the Delhi J al Board urgently requires an Assistant Chemist and we have



respondent No.1 as a selected candidate but yet the post is not being filled up because the Selection Board is refusing to send the dossier of respondent No.1 to the Delhi Jal Board. We make it clear that the decision to fill up or not fill up the vacancy cannot be the decision of the Selection Board, which is merely a recruiting agency. The employer is not the Selection Board. The office or the department of the Government which sends the requisition to the Selection Board would alone have the right to determine whether or not to fill up the vacancy. In future the Selection Board would forward the names of all candidates who have secured marks above the eligible cut-off mark to the office or the department which has sent the requisition to the Selection Board to conduct the examination. It would then be for the said department to decide whether or not it would like to have candidates in the wait list. This would ensure that it is the employer who would decide whether to fill up the vacancy from the wait listed candidate if the candidates in the select list are found either ineligible or do not respond to the letters offering appointment.”

16. In similar circumstances, this Court in **DSSSB & Anr. v. Rahul Singh Rathore**, 2025:DHC:7462-DB, has held that where the result of the candidate is kept pending for want of complete documents, it cannot be considered final and, therefore, the period of operation of the wait list would not commence. It is only with the verification of the documents, that the result actually becomes final.

17. In view of the above, the Impugned Order of the learned Tribunal cannot be sustained and is set aside.

18. Respondent no.1 shall, in case the petitioner was at Serial No.1 of the wait list, send the dossier of the petitioner to the respondent



2025:DHC:8751-DB



no.2 for processing the appointment of the petitioner in accordance with the relevant rules. The above exercise must be completed by the respondents within a period of six weeks from today.

19. The petition along with the pending application is allowed in the above terms.

20. There shall be no orders as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 26, 2025/rv/VS