



2025:DHC:10582-DB



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

*Date of decision: 26.11.2025*

+ W.P.(C) 2590/2020 & CM APPL. 9050/2020

KRISHAN SEHRAWAT AND ORS. ....Petitioners

Through: Mr.Amit Chawla, Adv. (through  
VC)

versus

UNION OF INDIA AND ANR. ....Respondents

Through: Mr.Tanveer Ahmed Ansari,  
SPC

**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 10.02.2020 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.4383/2018 titled *Krishan Sehrawat & Ors. v. Union of India & Anr.*, dismissing the O.A. filed by the petitioners herein by observing as under:

*“6. In view of the facts and circumstances narrated above particularly in view of the fact that all the 740 advertised vacancies have been filled up initially by issuing offer of appointment letters to 740 candidates and thereafter for the reasons stated elsewhere above the unfilled 54 vacancies were also filled up from out of the waiting list and also in view of the law laid down by the Hon'ble Supreme*



*Court referred to by the counsel for respondents, we are of the view that this OA is without merit. Hence, dismissed. No order as to costs.”*

2. Briefly stated, the petitioners had participated in the recruitment process for the post of Postman/Mailguard DR pursuant to an online advertisement issued by the respondents in November, 2014.
3. The result of selected candidates in the selection process was issued by the respondents on 05.01.2018. The petitioners made a representation dated 23.04.2018 praying that the respondents should operate the wait list for the said post.
4. Some of the petitioners, claiming that the wait list was not being operated in spite of vacancies being available, filed O.A. No.2144/2018 titled ***Neeraj Dabas & Ors. v. The Secretary M/o Communication and IT & Anr.***, before the learned Tribunal seeking disposal of their representation. The said O.A. was disposed of by the learned Tribunal by its Order dated 28.05.2018, directing the respondents to pass a speaking order on the representation of the petitioners within a time bound manner.
5. The petitioners then claimed that to their knowledge there were about 151 posts which was still lying vacant due to non-joining of candidates. In this regard, they placed reliance on the information received under the Right to Information Act, 2005 by a letter dated 05.07.2018, wherein the respondents certified that there were 151 vacancies still lying vacant due to non-joining of selected candidates. The petitioner then preferred a Contempt Petition, being CP



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No.405/2018 in O.A. 2144/2018, which was disposed of by the learned Tribunal by its Order dated 24.08.2018 in view of an Order dated 26.07.2018 passed by the respondents rejecting the representation of the petitioners.

6. The petitioners then preferred O.A. 3675/2018 titled ***Neeraj Dabas & Ors. v. The Secretary, M/o Communication and IT*** challenging the alleged inaction on part of the respondent in operating the wait list. This O.A. was disposed of by the learned Tribunal *vide* its Order dated 27.09.2018 with a direction to the respondent no. 2 to declare the marks scored by the petitioners.

7. Thereafter, the respondent issued a Notification dated 12.10.2018 which included names of 50 selected candidates from the wait list. In terms of the Order dated 27.09.2018 passed by the learned Tribunal, the respondents also issued a letter dated 30.10.2018 giving the marks obtained by the petitioners.

8. The petitioners then filed the O.A., wherein the Impugned Order came to be passed, challenging the orders dated 05.01.2018, 12.10.2018 and 30.10.2018 passed by the respondents and praying *inter alia* for the respondents to make appointment against the left over vacant positions in the select list.

9. The learned Tribunal accepted the plea of the respondents that the wait list had been operated and 54 candidates therefrom were appointed, however, the petitioners could not be accommodated in the same because the wait list had since expired. The O.A. was accordingly dismissed.





issued between the period from February, 2018 to August, 2018. In a report received by it from the Head of Divisions/Units of Delhi Postal Circle, the respondents were informed that there were 50 candidates who either did not accept offer or refused to join or were found medically unfit for appointment. Accordingly, the process for taking candidates from the wait list was initiated, and result of 50 candidates from the wait list was declared on 12.10.2018 after receiving the dossiers, these candidates were issued offers of appointment. In another review of vacancies done in the end of December, 2018, it was reported that 4 more vacancies have arisen till 31.12.2018. Accordingly, result of 4 more candidates from the wait list was declared by the respondents on 31.12.2018. The respondents have further asserted as under in the additional affidavit:

<i>SL. No</i>	<i>Particulars</i>	<i>No. of candidates</i>
1.	<i>Total no. of candidates allotted</i>	740
2.	<i>No. of candidates Joined</i>	727
3.	<i>Vacancies remained unfilled, as below:</i> <i>(i) Refused to Join (3)</i> <i>(ii) Found medically unfit (01)</i> <i>(iii) Did not respond to final notice (07)</i> <i>(iv) Vacancies kept reserved for FIR/Court cases (2)</i>	13

15. The respondents assert that the petitioner no.1 was at serial no.47 in the wait list after the last selected candidate even operating the wait list for 54 candidates. As there were 13 vacancies, the petitioner no.1 had no chance of appointment and the other petitioners were ranked even lower than the petitioner no.1.



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16. It is settled law that the mere publication of an additional/wait list does not create any right in favour of candidates to be appointed nor any obligation on the State to make appointments. The decision to fill all vacancies from the wait list is left to the wisdom of the State, provided there is no rule mandating the filling up of vacancies from the wait list. Reliance to this effect can be placed on Judgment of the Supreme Court in *State of Karnataka & Ors. v. Bharathi S.*, (2024) 15 SCC 530. In the present case, the validity of the wait list was for one year from the date of declaration of result, that is, from 05.01.2018 to 04.01.2019. During this period as many as 54 appointments were made by the respondents from the wait list. There is no rule which mandates filling up of all the vacancies from the wait list.

17. Keeping in view the above, we find no merit in the present petition. The same along with the pending application is, accordingly, dismissed.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**NOVEMBER 26, 2025/ns/ik**