



2025:DHC:6169-DB



\$~58 & 60

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

*Date of decision: 28.07.2025*

**(58)+ W.P.(C) 7918/2023 & CM APPL. 39813/2023**  
**GOVT OF NCT OF DELHI AND ORS.**

.....Petitioners

Through: Mr.Gaurav Dhingra and  
Mr.Shashank Singh, Adv.

versus

**SAUNOO KUMAR**

.....Respondent

Through: Mr.A.K. Trivedi, Adv.

**(60)+ W.P.(C) 7379/2025 & CM APPL. 33088/2025**  
**GOVT OF NCT DELHI**

.....Petitioner

Through: Mr.Gaurav Dhingra and  
Mr.Shashank Singh, Adv.

versus

**MUNESHI BAI MEENA**

.....Respondent

Through: Mr.Vivek Kumar Tandon and  
Ms.Mamta Tandon, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE MADHU JAIN**

**NAVIN CHAWLA, J. (ORAL)**

1. These petitions have been filed challenging the Orders dated 11.01.2023 and 04.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter



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referred to as ‘Tribunal’) in O.A. No.915/2019 (W.P.(C) 7918/2023) and O.A. No.2316/2016 (W.P.(C) 7379/2023), allowing the OAs filed by the respondent(s) herein.

2. In O.A. No. 915/2019, the petitioners herein were directed to declare the result of the respondent, and if he is found to be falling in merit, appropriate orders be issued in this regard subject to verifying his qualifications and satisfying themselves on his suitability.

3. In O.A. No. 2316/2016, the petitioners herein were directed to assess the OMR sheet of the respondent and in case she was found to be falling in merit and fulfilling all requisite qualifications, she be offered appointment against available vacancies or by creating a supernumerary post.

4. The learned counsel for the petitioners vehemently submits that the candidature of the respondent(s) was rightly rejected by the petitioners as the respondent(s) had failed to fill up their educational qualifications in a proper manner through bubbling. In support of his submission, he has placed reliance on the Judgment of this Court in *Sandeep Kumar Yadav v. Union of India & Ors.*, 2018:DHC:1572-DB.

5. He further submits that there was also considerable delay on behalf of the respondent in W.P.(C) 7918/2023 in filing the representation with the petitioners in terms of the Order dated 20.03.2015 passed in O.A. No.4691/2014, that is, in the earlier O.A. filed by the respondent. He submits that, therefore, the respondent was not entitled to any relief.

6. On the other hand, the learned counsel for the respondent in



W.P.(C) 7379/2025 has drawn our attention to the Order dated 18.01.2016 passed by the learned Tribunal in O.A. No. 202/2015, titled ***Vikas v. Delhi Subordinate Service Selection Board & Anr.***, wherein the learned Tribunal held that Column no.13, requiring for the candidate to bubble the educational qualification, itself was defective and incorrect instructions regarding the manner it was to be filled. The learned Tribunal, therefore, directed for the result to be declared for those candidates and if found fit and meeting merit, to be given appointment. He submits that for the same examination, O.A. No.4445/2014, titled ***Neha Nagar v. Delhi Subordinate Service Selection Board & Anr.***, and another OA was also filed, which were again allowed by the learned Tribunal.

7. He also places reliance on the Order dated 24.01.2024 of this Court in ***Devender Yadav & Ors. v. The Secretary Delhi Subordinate Services Selection Board & Ors.***, 2024:DHC:538-DB. He submits that following the Judgment of the learned Tribunal in O.A. No. 202/2015, this Court had also held as under:

*“8. From a perusal of the aforesaid, it is evident that Column 13 of the OMR application form, issued by the respondents for various posts in the Department of Education as also the MCD in 2013, was held to be defective by the learned Tribunal, which order was upheld by this Court in WP(C) No. 3460/2017 and further the SLP preferred by the respondents against this order was also dismissed by the Apex Court. In these circumstances, once it is evident that the OMR application form was itself found to be defective, the petitioners cannot be faulted for filling the column 13 of the same incorrectly. The petitioners are, therefore, correct in urging that since the defect in the petitioners’ applications pertain to incorrect filling of column 13, which*



*column in itself has been found to be defective on account of a faulty design, they cannot be made to suffer.*

*9. We, therefore, have no hesitation in setting aside the impugned order, which fails to appreciate that column 13 of the OMR application form for the examination in the year 2013, itself was defective. Taking into account that the petitioners have admittedly obtained higher marks than the cut off marks in the examination in which they had appeared pursuant to the interim orders passed by the Tribunal, we are inclined to direct the respondents to appoint them on the respective posts on which they had applied, with notional seniority from the date on which the last candidate in the said examination was appointed. At this stage, learned counsel for the respondents submits that currently there may not be any available vacancies to accommodate the petitioners in these posts. He, therefore, prays for time to obtain instructions in this regard.*

*10. Even though we are of the prima facie view that taking into account that the petitioners have been before the Court since 2013, even if there are no available vacancies, they ought to be appointed by creating supernumerary posts, if necessary, we are, at the request of the learned counsel for the respondents, deferring passing any orders at this stage.”*

8. He submits that by the subsequent Judgement dated 21.02.2024 passed in the said Writ Petition, this Court further directed as under:

*“4. Having perused the order dated 24.01.2024, we find that the matter was adjourned only to enable learned counsel for the respondent to obtain instructions regarding the availability of vacancies. The respondent cannot, therefore, be permitted to re-argue the matter on merits. From the submission of learned counsel for respondent, it is evident that vacancies of TGT are arising on a regular basis. We are, therefore, of the view that despite the posts advertised in 2013 having been already filled, the*



*petitioners cannot be penalised as they had approached the learned Tribunal in 2014 itself, where the matter remained pending till 12.08.2016. After the Tribunal rejected the OA in August 2016, the petitioners approached this Court promptly but their writ petitions could not be decided for over seven years, during which time the respondents claim to have conducted further examinations for filling the same posts of TGT. We are, therefore, of the considered view that the petitioners cannot be faulted for the delay in adjudication of their claim, which they had raised in time. We, therefore, direct that in case the petitioners are found to be meeting the merit criteria, they be accommodated, within six weeks, on the posts of TGT against the available vacancies and, if necessary, by creating supernumerary posts, which may be adjusted against the future vacancies.*

*5. The writ petition is, accordingly, allowed in the aforesaid terms by making it clear that in case the petitioners are found to be falling in the merit, they will be entitled to only notional seniority from the date the last candidate in the subject examination was appointed. It is further made clear that the petitioners will neither be granted any pay protection nor any arrears of wages.”*

9. The petitioners had challenged the Judgement dated 21.02.2024 before the Supreme Court in SLP(C) 7954/2024, titled ***The Secretary Delhi Subordinate Services Selection Board Govt. N.C.T. Delhi v. Devender Yadav & Ors.***, which was dismissed by the Supreme Court vide its Order dated 29.04.2024, observing as under:

*“2. In the facts and circumstances of this case when the respondents made no attempt to conceal their academic qualification and/or to mislead the Authorities while filling column 13 of the OMR application form, we are not inclined to interfere with the view taken by the High Court.”*

10. He submits that, therefore, the petitioners are repeatedly raising



the same challenge against different candidates, in spite of the other candidates having been granted relief by this Court.

11. We are further informed that as far as writ petitioner in W.P.(C) 7918/2023 is concerned, he has even been given an offer of appointment, however, the same has not been given effect to only because of the pendency of the present petition.

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

13. As contended by the learned counsel for the respondent, this Court, in *Devender Yadav* (supra) had expressed its anguish on the manner in which the petitioners are repeatedly challenging the orders of the learned Tribunal, in spite of Column no.13 having been declared to be not in proper form and the instructions not been given properly to the candidates. The present petitions are yet another example of the similar act of the petitioners, challenging the orders of the Tribunal rather than accepting the legal position settled by this Court and accepted by the Supreme Court. It appears that the anguish expressed by this Court in its earlier Judgments has also not prevented the petitioners from dragging the respondent(s) to the courts.

14. Once the format of Column no.13 itself has been declared by the learned Tribunal to be faulty, as also the instructions on the action required to be taken by the respondent(s) have been stated to be vague, which finding of the learned Tribunal has been accepted by this Court and gained finality, the exclusion of the respondent(s) for the same discrepancy was not justified. The petitioners cannot keep agitating the same issue and drag each respondent to Court, thereby



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not only causing anguish to the respondents seeking appointment, but also burdening this Court with avoidable litigation.

15. Accordingly, we find no merit in the present petitions. The petitions along with pending applications are, accordingly, dismissed with the costs quantified as Rs.25,000/- for each of the respondents. The costs be paid by the petitioners to the respondents within four weeks.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**JULY 28, 2025/ns/ik**