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

Date of decision: 28.08.2025

+ W.P.(C) 8708/2023 & CM APPLs. 32926/2023, 40537/2023
DSSSB AND ANR.Petitioners

Through: Mrs.Avnish Ahlawat, SC,
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam, Mr.Mohnish
Sehrawat, Advs.

versus

RAHUL SINGH RATHORERespondent

Through: Mr.K.C. Mittal, Mr.Yugansh
Mittal, Mr.Keshav Poonia,
Advs.

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 03.02.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.3813/2018, titled *Shri Rahul Singh Rathore v. Delhi Subordinate Services Selection Board & Ors.*, allowing the said O.A. filed by the respondent herein with the following directions:

"21. For the reasons stated and dealt with exhaustively hereinabove, the O.A. is allowed. The impugned order dated 20.09.2017 is quashed and set aside. DSSSB is directed to



forward the dossier of the applicant to the user department within one month from the date of receipt of this order, who may verify the same and if found suitable and eligible after verification of such credentials, he may be offered appointment within two month thereafter. The applicant shall not be entitled to any consequential benefits except notional seniority and notional fixation of pay as per law. No costs.”

2. By an Advertisement No.02/21, the petitioner no.1 had invited applications for 43 vacancies (UR-23, OBC-13, SC-07, including 01 OH) under Post Code 132/12 for the post of PGT (English) (Male). The respondent participated in the said Selection Process, and the result of the same was declared by the petitioner no.1 on 17.10.2016 placing the respondent in the Waitlist at the first rank in the Unreserved Category. In the said result, the result of two candidates in the Unreserved Category were kept pending for want of the complete documents, one of the said candidates being Mr. Vikas Antil (Roll No.33000122). Mr. Antil was later declared to be provisionally selected, only on 20.09.2017. The letter from the petitioner no.1 insofar as is relevant for the present petition is reproduced herein below:

“The candidature of candidate having Roll number 33000122 in UR category was kept pending for want of clarification regarding admissibility of his Diploma in Education from User Department. The user department had not provided the clarification sought by the Board vide letter dated 19.07.2017, accordingly his candidature is processed subject to the admissibility of Diploma in Education from Secondary Education, Haryana for the post.”



On the basis of the merit list of Tier-II examination and after preliminary scrutiny of eligibility for the post as per the provisions of the statutory Recruitment Rules of the post and the terms and conditions of the advertisement, the following candidate is provisionally selected to the post of PGT (English) Male under Post code 132/2012 subject to the consideration of admissibility of Diploma in Education from Secondary Education, Haryana for the post by the User Department. The selection of the above 01 candidate shall be further subject to the thorough verification of the candidature of the candidate by the User Department. The candidature of the candidate is liable to be cancelled by the User Department. In case, candidate is found not fulfilling all the eligibility conditions of the Recruitment Rules of the posts or for any other genuine reason. The decision of the User Department/appointing authority regarding the eligibility of the candidate shall be final and binding on the candidate.”

(Emphasis Supplied)

3. On the very next day, that is, 21.09.2017, the Government of NCT of Delhi, by a letter of even date, informed the petitioner no.1 that the Government of Haryana had by a Notification dated 03.03.2016 and a Clarification dated 08.09.2016 already stated that the Diploma Course offered by it is equivalent to 10+2 course of Senior Secondary Level. Mr. Antil was, therefore, not eligible for being appointed to the post of PGT (Eng.) (Male). This was formally communicated to the petitioner no.1 on 24.11.2017 by returning the dossier of Mr. Antil.

4. The respondent who was at rank no.1 on the waitlist made a representation dated 16.05.2018 that the vacancy having arisen, he



should be given appointment to the post. This representation was rejected by the petitioner no.1 on 30.05.2018, stating that the validity of the waitlist panel has since expired; the result having been declared on 17.10.2016.

5. Aggrieved thereby, the respondent approached the learned Tribunal by way of the above O.A. The learned Tribunal held that the life of the waitlist will start only after the select list is exhausted when the candidature of the originally selected candidate is cancelled later finding him ineligible.

6. Aggrieved of the above finding, the petitioners have filed the present petition.

7. The learned counsel for the petitioners submits that the result in the present case had been declared on 17.10.2016, the validity of the waitlist was only for one year to be utilised in case any selected candidate does not accept the offer of appointment, does not join the post after acceptance of appointment or is later found to be ineligible for appointment or a vacancy arises out of the resignation of the selected candidate within one year of joining of the post. She submits that in the present case, as the dossier of Mr. Antil was returned by the Government of NCT of Delhi, which was the authority where appointment was to be made, only on 24.11.2017, that is, after the expiry of one year period from the date of the declaration of the result, the waitlist had expired and could not therefore be operated.

8. On the other hand, the learned counsel for the respondent submits that the result declared on 17.10.2016 was not final, as it was only provisional in nature for certain candidates and subject to the



verification of their eligibility. He submits that Mr. Antil was finally appointed on 20.09.2017, knowing fully well that he is not eligible for appointment to the said post in view of the Clarification already issued by the Government of Haryana on 08.09.2016. He submits that in spite of the same, the petitioners did not proceed with operation of the waitlist and now cannot be heard to be saying that the same has expired. He submits that once a candidate is declared ineligible for appointment, the validity of the waitlist shall stand extended from the said date.

9. We have heard the submissions of the learned counsels for the parties.

10. In the present case, apart from the main result on 17.10.2016, it is admitted that two supplementary results dated 27.06.2017 and 20.09.2017 were issued by the petitioner no.1. Even in the main result, candidature of four candidates including two in the unreserved category, which also included Mr. Antil, had been kept pending for want of complete documents. The result for these four candidates therefore was not final and not declared. Once it is held that the result was not final for four candidates, the waitlist cannot said to have come into operation from the said date. It has to come into operation once the result has finally been declared, that is, the result that was final as far as the petitioner no.1 is concerned.

11. Mr. Antil was provisionally selected only on 20.09.2017. Even taking this date to be the relevant date for final declaration of the result, his dossier having been returned by Government of Haryana on 24.11.2017, it has to be held that dossier has been returned within the



validity period of waitlist. The petitioner no.1 was duty bound to therefore operate the waitlist and to offer the appointment to the next available and selected candidate in terms of seniority in the waitlist. The petitioner no.1 wrongly took the date of declaration of result as 17.10.2016, which we have noted hereinabove was not to be considered as the final declaration of the result; the same being only provisional in nature.

12. In view of the above, we find no infirmity in the Impugned Order passed by the learned Tribunal. The petition is, accordingly, dismissed. Pending applications are also disposed of as being infructuous.

13. The petitioner no.1 shall comply with the direction issued by the learned Tribunal within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 28, 2025/Arya/ik