



2025:DHC:4625-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 29.05.2025

+ W.P.(C) 7919/2025
GOVT OF NCT OF DELHI AND ORS.Petitioners
Through: Mr.Gaurav Dhingra &
Mr.Shashank Singh, Advs.
versus
DEEPTI AGGARWALRespondent
Through: Mr.Anurag Soan, Mr.Akshay
Saxena, Mr.Nishank &
Mr.Rituraj, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR
NAVIN CHAWLA, J. (ORAL)

CAV 222/2025

1. Since the caveator has entered appearance, the caveat stands discharged.

CM APPL. 34881/2025 (Exemption)

2. Allowed, subject to all just exceptions.

W.P.(C) 7919/2025 & CM APPL. 34880/2025

3. This petition has been filed challenging the Order dated 10.01.2025, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal'), in O.A. No. 2049/2019, titled ***Deepti Aggarwal v. GNCT of Delhi & Ors.***, filed by the respondent herein, allowing the O.A. with the following directions:

"8. In the light of the above, we are of the considered opinion that the balance of convenience in the instant OA unequivocally lies with the applicant. The OA has merit; deserves to be allowed and is accordingly



allowed. The impugned order No. F.182/TGT (Nat. Sc.) Female/Int. Cell/DSSSB/2018-19/2769-79 dated 30.05.2019 is hereby quashed and set aside. The respondents are directed to consider the candidature of the applicant for the post of TGT (Natural Science) (Female) Post Code No. 136/17, (as she has obtained 109.55 marks whereas the cut off marks for unreserved category are 103.54) and if she is otherwise found fit, offer her a letter of appointment within a period of two months from the date of receipt of a certified copy of this order. The applicant will get all notional benefits like fixation of pay and allowances and seniority. However, there will be no payment of arrears of pay and allowances on the principle of 'No work no pay'. There will be no order as to costs."

4. The respondent had applied for the post of TGT (Natural Science), pursuant to an advertisement dated 20.12.2017 issued by the petitioners, *inter alia*, for the said post. The essential educational qualifications required for the said post, as advertised, were as follows:-

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<i>Essential Educational Qualification</i>	<i>I. Bachelor's Degree (Honors/Pass) or equivalent from a recognized University having secured 45% marks in aggregate, in two school subjects of which at least one out of the following should have been at the elective level: A English B. Mathematics C. Natural/ Physical Science D. Social Science Note:- Main subjects for (I) TGT (Natural Science) shall be physics, Chemistry, Biology, Botony and Zoology (ii) Social Science - History/ Political Science/ Economics/ Business Studies/ Sociology/ Geography/ Psychology. Provided further that the requirement as to</i>
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	<p>minimum of 45% marks in the aggregate in Bachelor's Degree (Pass/Honors) or equivalent.</p> <p>N.B.: "The candidate should have studied the subject concerned as mentioned in the RR's for atleast 02 years during the Graduation Course. The elective word may also include main subject as practiced in different University."</p>
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5. The petitioners rejected the candidature of the respondent by way of a rejection notice, giving the following reasons for the same:-

“ On the basis of marks secured in the written examination and after preliminary scrutiny as per the provisions of the statutory Recruitment Rules for the post of **TGT (Natural Science) Female, Post Code-136/17** and the terms and conditions of the advertisement, the candidature of the candidates bearing following Roll Nos. in respect of the above mentioned Post code is **rejected** for the reasons mentioned against each Roll No:-

UR CATEGORY:14

S.no.	Roll No	Remarks
xxxxx	xxxxxx	xxxxxx
9	111213600415	Studied Maths, Statistics & Anthropology in graduation which are not science subjects

”

6. Aggrieved by the above, the respondent first made a representation and, having received no response, filed the above O.A.

7. The learned Tribunal in the Impugned Order found that the impugned rejection notice showed non-application of mind, inasmuch as the mark-sheets produced by the respondent showed that the respondent had studied, apart from anthropology, zoology and



chemistry for two years, which would be sufficient to qualify her in terms of the Note appended to Essential Educational Qualification in the advertisement, that has been reproduced hereinabove. In fact, she had not studied mathematics and statistics, as had been claimed in the rejection letter.

8. Apart from the above, the learned Tribunal also placed reliance on the Circular dated 31.10.2019, whereby the petitioner had proposed an amendment to the Recruitment Rules so as to also add the subject of anthropology, based whereon the Recruitment Rules were in fact amended *vide* Circular dated 06.07.2023. It is this reliance by the learned Tribunal that has formed the basis for the challenge to the Impugned Order by the petitioners.

9. The learned counsel for the petitioners submits that the impugned selection process was based on an advertisement issued on 20.12.2017, which did not contain the subject of anthropology. It came to be included in the Recruitment Rules only by way of an amendment in the year 2023 and, therefore, could not have been given retrospective effect to deem the respondent to have qualified. In support, he places reliance on the judgments of this Court in ***Govt. of NCT of Delhi And Ors vs. Arun Singh Bhatti***, 2024:DHC:9104-DB and ***Govt. of NCT of Delhi And Ors. vs. Priya Kaim***, 2025:DHC:3432-DB.

10. On the other hand, the learned counsel for the respondent submits that even if the subject of anthropology is not to be considered for meeting the qualification under the subject advertisement, the respondent, having studied zoology and chemistry for two years in her



graduation, would still be eligible under the above advertisement.

11. In rejoinder, the learned counsel for the petitioners submits that zoology and chemistry were studied by the respondent as subsidiary subjects and, therefore, could not be considered in terms of the Recruitment Rules/advertisement.

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

13. While we, *prima facie*, find merit in the submissions of the learned counsel for the petitioners that the subject of anthropology, not having been mentioned in the subject advertisement, could not have been retrospectively considered for determining eligibility for the said post merely because of an amendment in the Recruitment Rules made subsequently, at the same time, the respondent, having studied the subjects of zoology and chemistry for two years in her graduation, which fact is not denied by the petitioners, qualified her for being considered under the subject advertisement in terms of the Note appended to the educational qualifications prescribed in the advertisement.

14. In view of the above, we see no reason to interfere with the Impugned Order.

15. The petition, along with the pending application, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 29, 2025/rv/sj

[Click here to check corrigendum, if any](#)