



2025:DHC:9554-DB



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

Date of decision: 30.10.2025

+ W.P.(C) 13395/2025 & CM APPL. 54884/2025

NAGHMA ZAHOOR

.....Petitioner

Through: Mr. K. K. Malviya and
Mr.Shakil Ahmed, Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Dr.Divya Swamy, SC,
Mr.Yagyawalkya Singh,
Ms.Akriti Singh, Ms.Ananya Y,
Advs. for R-1.
Mr.S.M.Arif, Mr.S.M. Aatif,
Ms.Shabnam Perween, Adv.
for Atifa Tasleem

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 11.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A No. 4014/2017, titled *Naghma Zahoor v. South Delhi Municipal Corporation and Ors.* and O.A. No.259/2017, titled, *Atifa Tasleem v. South Delhi Municipal Corporation and Ors.*, and further seeking a direction to the respondent to allow the petitioner to



join the post of Medical Officer (Unani).

2. Insofar as the challenge to the Order passed in O.A. No.259/2017 is concerned, this Court, by its Judgment dated 01.09.2025, passed in W.P.(C) No. 13304/2025, titled ***Municipal Corporation of Delhi v. Atifa Tasleem***, 2025:DHC:7680-DB, has dismissed the writ petition filed by the MCD challenging the said order.

3. We also find that the petitioner has not been able to make out any ground to challenge the said order insofar as O.A. No. 259/2017 is concerned.

4. Coming to the Impugned Order passed in O.A. No.4014/2017, the said O.A. was filed by the petitioner seeking the following reliefs:

- “a) Quash the impugned order dated 01.02.2017 of the respondent department.*
- b) Direct the Respondents to execute the Engagement letter as it is and also direct to release salary since the day of letter issued i.e. 14.12.2016.*
- c) Till the disposal of the present application stay (Status Quo) the matter Atifa Tasleem Vs. SDMC Vide O.A./259/2017 dated 23.01.2017 due to which applicant suffering in continuity.*
- d) Till the disposal of the present OA kindly prayed to direct the respondents not to renew any agreement of the candidates selected in the interview held for the postings.*
- e) Declare the entire Result, Interview null & void and cancel entire interview and selection and direct respondents to conduct the interviews again and further direct the respondents in the event applicant not eligible due to age and due to the case of Atzfa Tasleem Vs. SDMC Vide OA.f 259/2017 dated 23.01.2017, applicant should be allowed as eligible.*



f) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent."

5. The said O.A. was dismissed by the learned Tribunal, observing therein that only one post under the OBC Category was advertised by the Official Respondent in the Public Notice/Advertisement dated 23.11.2016. One Dr.Naseem Ahmed had secured higher marks than the petitioner in the selection process and was, therefore, rightly issued the appointment order. Accordingly, the O.A. filed by the petitioner was dismissed.

6. The petitioner has challenged the same before us, *inter alia*, contending that, in fact, two posts under the OBC Category had been advertised.

7. By an Order dated 18.09.2025, we directed the petitioner to place on record a copy of the advertisement. The same has been filed and clearly shows that the advertisement invited applications for four posts of Medical Officer (Unani), of which three were for the General category and one for the OBC category. Among these, one post was reserved for a physically handicapped candidate.

8. Ms. Atifa Tasleem, the applicant in O.A. No. 259/2017, belongs to the physically handicapped category but was denied appointment. The same was challenged by her in the said O.A., which was allowed by the learned Tribunal *vide* Order dated 11.03.2025. As noted hereinabove, the challenge to that order has already been dismissed by this Court *vide* Judgment dated 01.09.2025.



9. Coming back to the petitioner, since the petitioner was second in the merit list, she clearly could not have been granted an appointment. The learned counsel for the petitioner submits that the respondents did not take this ground in the counter-affidavit filed before the learned Tribunal, but disclosed the marks of the candidates only later in an additional affidavit filed before the Tribunal, without substantiating the same with supporting records.

10. We are not impressed with the submissions made by the learned counsel for the petitioner.

11. We find that the petitioner has not challenged the above aspect in the present writ petition. The petitioner has proceeded on the basis that she was second in the ranking and, therefore, contended that two posts under the OBC category were advertised. Once the advertisement is seen, and it is now undisputed, that only one post under the OBC category was advertised, we fail to understand how the petitioner can claim entitlement to appointment.

12. We, therefore, find no infirmity in the Impugned Order passed by the learned Tribunal. The petition is accordingly dismissed. The pending application is also dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 30, 2025/Arya/DG