



\$~P-3

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

Decided on 28.05.2025

+ W.P.(C) 8133/2023

NARINDER SINGH AND ANR.Petitioners

Through: Mr. Ravin Rao, Mr. Akshit Sawal,
Advocates.

versus

UNIVERSITY OF DELHI AND ORS.Respondents

Through: Mr. Rajesh Gogna, CGSC, with
Ms. Priya Singh and Ms. Robina
Rai, Advocates.

Ms. Amita Singh Kalkal and Ms.
Aditi Gupta, Advocates for R-5
and 6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

1. By way of this petition under Article 226 of the Constitution, the petitioners challenge the appointments of respondents No. 5 and 6 to the posts of Senior Assistant and Administrative Officer, respectively, in respondent No. 3- Hansraj College [“the College”], which took place pursuant to an advertisement issued by the College, published in “*Employment News*” dated 24.02.2018-02.03.2018.¹

2. It is stated in the writ petition that the petitioners are both employees of the College.

¹ Annexure R-6/3 to the counter affidavit filed by respondent No. 6.



3. A copy of the advertisement has been annexed to the writ petition, which shows that one post each of Administrative Officer and Senior Assistant was advertised, both in the unreserved category. The appointment of respondent No. 5 - Mr. Amit Chauhan, as Senior Assistant took place in March 2019, and the appointment of respondent No. 6 – Mr. Dilip Kumar Singh, as Administrative Officer took place in July 2019.

4. In the present writ petition, the petitioners aver that they became aware of the appointment of Respondent No. 5 to the aforementioned post only in June 2022. It is further stated that petitioner No. 1 had submitted applications under the Right to Information [“RTI”] Act, 2005, seeking details pertaining to the appointment of Respondent No. 5. However, it is alleged that no information in this regard was furnished to him.

5. Dissatisfied with the replies furnished by the College, the petitioners moved this Court in W.P.(C) 664/2023. By an order dated 10.02.2023, the Court directed the respondents to expeditiously dispose of the petitioners’ pending representations with regard to the appointments of respondents No. 5 and 6.

6. The petitioners thereafter made a further representation on 28.02.2023. These representations were dealt with by an order communicated to the petitioners by an e-mail dated 22.03.2023. In addition to the objection that the representations were much belated, the College has also rejected the representations on merit.

7. The petitioners have therefore filed this writ petition seeking directions upon the University of Delhi [“University”] authorities to take action against the College for the alleged illegal appointments of



respondents No. 5 and 6, for cancellation of the said appointments, and for fresh appointments to be made.

8. The College filed a counter affidavit dated 07.02.2024, and respondent No. 5 filed a counter affidavit dated 11.06.2024. The Registrar noted that these affidavits have been filed in his order dated 25.07.2024, and also noted the submission of learned counsel for the petitioners that he does not wish to file any rejoinder thereto. Respondent No. 6 has also since filed a counter affidavit on 08.05.2025.

9. I have heard Mr. Akshit Sawal, learned counsel for the petitioners, Mr. Rajesh Gogna, learned counsel for the College, Mr. Mohinder J.S. Rupal, learned counsel for the University, and Ms. Amita Singh Kalkal, learned counsel for respondents No. 5 and 6.

10. On the Court's query as to the maintainability of the present writ petition at the instance of the petitioners herein, Mr. Sawal submitted that the petitioners are employees of the College, and are presently working in the posts of Senior Assistants. Although it is not stated anywhere in the writ petition, he submitted that petitioner No. 2 was a candidate for the post of Administrative Officer in the recruitment in question. It is curious that the said fact has been omitted from the writ petition altogether. It was certainly a relevant fact, which ought to have been mentioned. However, the documents filed by respondent No. 6 alongwith the counter affidavit, show that both petitioner No. 2 - Mr. Satish Chandra Ojha, and respondent No. 6 were candidates for the said post².

11. Pursuant to the order dated 08.05.2025, Mr. Gogna has also



produced the original personnel files of the College, relating to the services of petitioner No. 2 and respondent No. 6.

12. In the course of arguments, Mr. Gogna submitted that the writ petition is, in fact, actuated by *mala fides*, as there are criminal proceedings initiated against petitioner No. 2 at the instance of respondent No. 6. He drew my attention to an FIR dated 09.05.2016,³ in which respondent No. 6 has been named as the complainant and petitioner No. 2 as the accused. The FIR concerns certain transactions in the Hansraj College Thrift and Credit Society, of which respondent No. 6 was the President and petitioner No. 2 was described as the Accountant/Clerk of the Society. Although a copy of the FIR is available in the records produced by Mr. Gogna, I do not find any reference to this contention in the counter affidavit filed by the College or even the counter affidavit filed by respondent No. 6. I, therefore, do not proceed on the basis of the allegation of *mala fides*.

13. Turning next to the question of delay, it may be noted that in the writ petition itself, the petitioners have made no averment whatsoever as to any steps taken by them to assail the alleged wrongful appointments of respondents No. 5 and 6 for a period of approximately three years from March/July 2019 until the first application was filed by them under the RTI Act in April 2022. The petitioners thereafter approached the Court for the first time by way of W.P.(C) 664/2023, which was disposed of by the aforesaid order dated 10.02.2023.

² Reference may be made to the list of candidates called for written examination for the post of Administrative Officer (Annexure R-6/4 to the counter affidavit of respondent No. 6 dated 08.05.2025). The names of petitioner No. 2 and respondent No. 6 appear at serial numbers 301 and 247, respectively.

³ FIR No. 0105 of 2016 at P.S. Maurice Nagar, North Delhi.



14. I am unable to accept that the petitioners, who are themselves in the administrative staff of the College, were unaware of the appointments of their colleagues to the posts of Senior Assistant and Administrative Officer, respectively. The writ petitioners, however, do not refer to a single document or averment for the entire intervening period of almost three years. Petitioner No. 2 particularly, having himself been a candidate in the same recruitment process, cannot credibly claim to have been oblivious to its conclusion. The objection of the respondents on the question of delay and laches is, therefore, sustained.

15. On the merits of the challenge with regard to the appointment of respondent No. 5 as Senior Assistant, the first contention of Mr. Sawal is that respondent No. 5 did not possess administrative experience, as he was only part of the Technical Department. It is submitted that he did not qualify in terms of the following eligibility condition provided in the advertisement:

“Essential Qualification:

xxxx

xxxx

xxxx

3. Minimum 4 years of Administrative Experience.”

16. The response of the College, both in the order disposing of the petitioners’ representation, and in the counter affidavit filed before this Court, is that respondent No. 5 was given responsibilities of administrative assignments, in addition to his role as Senior Technical Assistant. It is stated that the College found him to be an efficient administrator and therefore found him eligible for the post. Respondent No.5 has also averred to the same effect in his counter affidavit:

“It is humbly submitted that the additional administrative responsibilities included being a record officer with the office of the



Public Information officer (PIO) for RTI applications since 01.09.2009 till 30.04.2015. The answering respondent also was also deputed as First Assistant with Administrative & Financial responsibilities by the college for Central Evaluation Centre of Delhi University since May-June, 2015. It is further submitted that the answering respondent also provided technical and administrative assistance to NAAC peer team. It is further submitted that the College in view of the fact that the answering respondent performed several administrative responsibilities issued an experience certificate.”

The Experience Certificate dated 31.01.2018, annexed to the counter affidavit of respondent No. 5, bears out the aforesaid averments.

17. These averments in the counter affidavits of the College and respondent No.5 have not been disputed. As noted above, the petitioners have declined to file any rejoinder thereto. The contention that respondent No. 5 discharged administrative responsibilities, in addition to the technical nature of his job, must therefore be taken to be correct, and the challenge to his eligibility is rejected.

18. The second ground argued by Mr. Sawal is that the results of the selection process were declared online only on 08.04.2019, but respondent No. 5 was permitted to join the post of Senior Assistant in March 2019 itself. The petitioners have annexed to the writ petition, a screenshot purporting to show that the results of the examination were uploaded on the College website only on 08.04.2019.

19. As far as this aspect is concerned, the College, in its counter affidavit, has stated that the appointment letter was given to respondent No. 5 simultaneously with his joining, after the declaration of the point-wise final result and that the combined results were also published on the website of the College. Alongwith the counter affidavit filed by respondent No. 5, he has also filed a notice of the College dated



28.03.2019 announcing the appointments for various posts, including the appointment of respondent No. 5 as Senior Assistant. It is stated therein that these appointments have been made “*on the basis of merit obtained in the written examination held in March 2019*”. In the absence of any rejoinder, the factual submission must be accepted.

20. While the College would certainly be well advised to ensure that complete transparency is maintained in the declaration of results so that no misapprehension is created, it appears that in the present case, the appointment was, in fact, made on 28.03.2019, although the final results of the selection process were perhaps uploaded on the College website only on 08.04.2019. The petitioner’s argument to the contrary is, therefore, rejected.

21. The third ground urged is that the University’s approval for the appointment of respondent No. 5 was taken only in March 2022, although his appointment was made in March 2019. In the counter affidavit filed by the College, the position that the process was initiated only in the year 2021 is admitted by the College. While the College seeks to take shelter under the COVID-19 pandemic, I do not find such a ground to be justified, having regard to the fact that the COVID-19 pandemic did not start until approximately one year after the appointment was made in March 2019.

22. Be that as it may, the College has categorically stated that the University has considered the proposal and granted pay protection/fixation for the pay of respondent No. 5. Respondent No. 5 has also annexed the relevant document dated 15.03.2022 addressed by the University to the College, to his counter affidavit. It may be noted that the



University has also filed a counter affidavit dated 10.01.2024, in which it has specifically stated that the writ petition concerns only the College, and the University ought not to have been impleaded. It is evident that the University has not raised any objection to the belated approval sought and has, in fact, granted the approval.

23. As far as the post of Senior Assistant is concerned, in these circumstances, I do not consider it appropriate to grant any relief in the present writ petition, particularly as neither of the petitioners was a candidate for the post at all.

24. In the case of appointment to the post of Administrative Officer, there is no challenge to the eligibility of respondent No. 6. However, the contention of the petitioners is that no criteria were laid down, as to why only 8 to 10 candidates were called for interview, out of the total number of approximately 200 candidates who applied for the post.

25. As far as this aspect is concerned, the counter affidavit of the College clearly states that all candidates who applied for the post of Administrative Officer were permitted to participate in the written examination, and candidates who passed the examination were called for interviews. Paragraph 8 thereof reads as follows:

“8. I wish to reiterate that all candidates who applied for the post of Administrative Officer were afforded the opportunity to participate in the written examination. Subsequently, all candidates who successfully cleared the examination were invited for interviews, thereby ensuring complete transparency throughout the appointment process.”

26. In the counter affidavit filed by respondent No. 6, he has annexed a copy of the Recruitment Rules published by the University for recruitment to the posts of Assistant Registrar/Assistant Controller of Examination/Administrative Officer. The Rules set out the scheme of the



examination and the syllabus, which are not relevant for the purposes of the present petition. However, it is provided that a minimum qualifying mark of 45% for unreserved posts would be required in each section of the examination.

27. It is in this context that the aforesaid affidavit of the College must be understood. The records produced by the College also show that a Selection Committee was constituted, which interviewed eight candidates, including respondent No. 6, for the post of Administrative Officer. 90 candidates appeared in the written test, and 8 candidates were shortlisted for interview based on their qualifying marks. The final result of the recruitment is also available in the record, which shows that respondent No. 6 and the other interviewed candidates had all scored more than the passing mark of 45% for the unreserved category. It appears that respondent No. 6 was issued an appointment letter on 08.07.2019.

28. It is also undisputed that respondent No. 6 has superannuated from the post of Administrative Officer on 31.12.2024.

29. In the light of the above record, I do not find any ground to interfere with the appointment of respondent No. 6 to the post of Administrative Officer. The affidavit aligns with the record, to show that all the candidates were called for the written examination, and eight candidates, who had scored more than 45% in the written examination, were called for an interview. The Selection Committee selected respondent No. 6 for the post, after the interview.

30. In view of the above, the petitioners' challenge to the appointments of respondents No. 5 and 6 fails, and the writ petition is accordingly



dismissed.

31. Copies of the FIR dated 09.05.2016, and minutes of the meeting of the Selection Committee held on 06.07.2019 for the post of Administrative Officer, have been retained from the record produced and are taken on record. The Court Master is directed to return the original record to Mr. Gogna.

MAY 28, 2025
'Bhupi/Jishnu'

PRATEEK JALAN, J