



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 06th January, 2026.

Pronounced on: 04th February, 2026.

Uploaded on: 4th February, 2026.

+ W.P.(C) 223/2019, CM APPL. 1024/2019, CM APPL. 12743/2019,
CM APPL. 15418/2019, CM APPL. 79830/2025

SUNITA RANI

.....Petitioner

Through: Ms. Aditi Gupta (DHCLSC), Ms. Lavanya Bhardwaj and Ms. Anjali Choudhary, Advocates with Petitioner in person.

versus

GOVT. OF NCT DELHI AND ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC for GNCTD Services with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for R-1, 2.

Counsel for Respondent No. 3. (*Appearance not given*).

Mr. Anuj Aggarwal, Ms. Bhumika Kundra, Ms. Tanya Rose, Ms. Kritika Matta and Mr. Lovekesh Chauhan, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The Petitioner invokes Article 226 challenging the recruitment process initiated by Respondent No. 3 for the post of Librarian pursuant to



the advertisement dated 31st May, 2018, and the consequential selection and appointment of Respondent No. 5. The grievance is that the Petitioner's long service as a part-time Librarian in the same institution was not given experience weightage, and that the vacancy advertised as "01 (UR)" was ultimately filled as a person with disability vacancy without a clear disclosure that the Librarian post itself was so earmarked. On these premises, the Petitioner seeks setting aside of the selection and appropriate consequential directions.

Facts

2. The Petitioner was engaged by Respondent No. 3 as a temporary part-time Librarian with effect from 23rd April, 2006 on a consolidated remuneration of Rs. 3,500 per month, revised from time to time. She claims that the school continued to utilise her services for several years with periodic "occasional breaks". She also states that she belongs to the Scheduled Caste category.

3. Respondent No. 3 is an aided school run by a society registered under the Societies Registration Act, 1860. As pleaded in the counter affidavit, the GNCTD funds 95% of the salary of sanctioned staff (and allied heads such as LTC and medical expenditure), while the remaining expenditure is met by the society. The school asserts that part-time and temporary staff are paid from its own funds because staffing needs exceed the sanctioned strength.

4. On 31st May, 2018, Respondent No. 3 issued an advertisement for several posts. One vacancy was reflected as "Librarian: 01 (UR)". The advertisement also indicated that four posts in Group 'B' posts had been identified for persons with disabilities, and that age and qualifications would be as per the recruitment rules applicable to Delhi Government aided



schools.

5. The Petitioner applied pursuant to the advertisement. She states that she was informed that her past experience in the school would not be counted for selection. In July, 2018, she approached the National Commission for Scheduled Castes. The Commission recorded that she had rendered long service in the institution and referred to the Directorate of Education¹ order dated 26th February, 2014 on experience weightage, recommending that the rule position be applied while considering her candidature.

6. The Petitioner was called for interview. The interviews for the relevant posts were concluded by 17th December, 2018 by the Staff Selection Committee, and the Managing Committee approved the recommendations in its meeting dated 27th December, 2018 with participation of representatives deputed by the DoE. The result placed the Petitioner at Serial No. 15 with total marks of 47 and recorded her as “overage”. Respondent No. 5 secured 54.2 marks and was selected, described as a person with disability candidate.

Petitioner's contentions

7. Ms. Aditi Gupta (DHCLSC), counsel for the Petitioner, argues that the Petitioner is a meritorious candidate having qualifications of graduation including B. Lib and M. Lib. She was duly appointed by the Respondents as a temporary part time librarian w.e.f. 23rd April, 2006. She submits that the Petitioner has been treated unfairly and not given any marks on account of her experience of 12 years of service. She submits that the selection process is thus contrary to law and is liable to be set aside.



8. She places reliance on the DoE order dated 26th February, 2014, which prescribes the Marking Scheme for recruitment of teachers in aided school as follows:

“Marking scheme for Librarian

Sr. Sec	Graduate BA/B.com /B.Sc	B. Lib	Addl Qualification M. Lib only	Experience as Lib only	Total	Interview	Total
15	30	30	10	10	95	5	100

The marking Scheme as mentioned in this order shall be implemented as per clarification given below:

1. *Marks for interview will be 05 only*
2. *Marks for additional qualification would be given for next immediate higher qualification above the essential one and that too in concerned subject relevant to the concerned post. No marks would be awarded for additional qualification of M.Ed.*
3. *Marks would be given on 10 point scale upto 1st decimal place.*
XXX.
4. *Weightage for teaching experience would be given @ 01 mark for each year of teaching experience, provided it pertains to feeder/same cadre subject to a maximum of 10 marks.*

XXXX

(b) No advantage of experience would be given to adhoc/contract teacher.

The experience certificate must mentioned the post held and scale of pay given to person concerned. It must be counter signed by education officer.
XXXX.”

Under this scheme, weightage for experience is contemplated at the rate of one mark for each year of experience, subject to a maximum of 10 marks. The Petitioner was entitled to the full experience weightage, and the refusal to grant even a single mark on that account makes the selection arbitrary and contrary to the governing scheme.

9. Emphasizing on this point, Ms. Gupta argues that the entire selection stands vitiated by an arbitrary denial of experience weightage. The

¹ “DoE”



Petitioner, it is urged, had discharged the functions of Librarian in the same institution from 23rd April, 2006 onwards, and the Respondents cannot treat that experience as irrelevant only because the engagement was described as temporary and part-time. The description of “occasional breaks”, was a device to avoid conferring service benefits, and cannot be used to erase the reality of sustained service in the same post.

10. On the second limb, Ms. Gupta challenges the appointment of Respondent No. 5 on the footing that the Librarian post was advertised as “UR” and was never disclosed as earmarked for a person with disability candidate. The advertisement, merely carries a general statement that four Group ‘B’ posts were identified for persons with disabilities, without specifying whether the Librarian vacancy was among them. Once the post was advertised as unreserved, the Respondents could not convert it into a disability-reserved seat after applications were invited. That shift undermines transparency and fairness in public recruitment.

11. Ms. Gupta also relies on the proceedings of the National Commission for Scheduled Castes. She submits that the Respondents were put on clear notice, through the Commission’s recommendation, that the experience weightage rule position ought to be applied in her case. The selection, however proceeded in disregard of that recommendation.

Respondent No.3’s wcontentions

12. Counsel for Respondent No. 3 disputes the challenge and contends that the petition merits rejection at the threshold because the Petitioner was age-ineligible for the advertised vacancy. The recruitment rules prescribed an upper age of 30 years for UR candidates and 35 years for Scheduled Caste candidates. The Petitioner, born on 27th July, 1980, had crossed the



upper age limit by the date of advertisement. Calling the Petitioner for interview on the Commission's recommendation did not cure ineligibility or confer any right.

13. On experience weightage, counsel for Respondent No. 3 relies on the DoE orders dated 3rd February, 2006 and 26th February, 2014. The experience marks are not a reward for mere association with an institution. The scheme requires an experience certificate specifying the post held and scale of pay and contemplates authentication by the Education Officer. The Petitioner, being a part-time temporary worker on consolidated remuneration and not in a pay scale against a sanctioned post, could not have produced an experience certificate meeting those conditions. The Respondents also rely on the express stipulation in the 26th February, 2014 scheme that no advantage of experience is available to ad hoc or contract teachers, and submit that the underlying intent is to credit experience gained in regular, full-time positions rather than part-time temporary arrangements.

14. On disability reservation, Respondent No. 3 submits that reservation for persons with disabilities is horizontal and operates across categories. The advertisement itself flagged identification of posts for persons with disabilities in Group 'B', and the selection of Respondent No. 5 in that slot is stated to be in compliance with the statutory framework. It is also urged that the Petitioner cannot succeed on the experience-marks argument in any event because even on her own calculation, adding 10 marks would not displace the selected candidate, and several candidates above her in the merit list were not selected.

Respondent No.5

15. Mr. Anuj Aggarwal, counsel for Respondent No. 5 submits that the



writ petition is an afterthought by an unsuccessful candidate who participated in the selection process and, upon failing to secure appointment, seeks to assail the process. Reliance is placed on the principle that a candidate who takes a calculated chance by participating cannot, after an adverse outcome, turn around and challenge the process. *Union of India v. S. Vinodh Kumar*² is cited in support.

16. It is urged that the petition is liable to fail at the threshold since the Petitioner was over the maximum age for direct recruitment to the post of Librarian on the date of advertisement. Rule 104 of the Delhi School Education Rules, 1973 is pressed into service to submit that recruitment to recognised private schools must adhere to the age limits prescribed for corresponding Government posts, subject only to permissible relaxations.

17. Mr. Aggarwal submits that she is a person with benchmark disability (hearing impairment) and was duly considered under the statutory framework for appointment of persons with disabilities. She relies on her educational qualifications and asserts that the appointment was made in conformity with the Delhi School Education Act and Rules and the governing recruitment rules.

18. Mr. Aggarwal further submits that Respondent No. 5 was selected in December 2018, offered appointment on 3rd January, 2019, and, pursuant to interim directions, joined the school on 10th July, 2019. She has remained in continuous service since then. In such circumstances, even assuming some procedural grievance, the writ court should be slow to unsettle a long-standing appointment in the absence of a clear illegality or demonstrated

² 2007 (8) SCC 100



prejudice.

The advertisement

19 The Petitioner applied for recruitment to the post of librarian (UR) which was advertised by the Respondents on 31st May, 2018 in newspaper, which reads as follows:

LADY IRWIN			
SENIOR SECONDARY SCHOOL Shrimant Madhav Rao Scindia Marg, New Delhi – 110001 (Recognised & Aided by GNCTD)			
Applications are invited from eligible candidates (Indian citizens only) for the following posts:			
Sl No.	Name of Post	Number of Vacant Post	
1	PGT (Geography)	01 (UR)	04 posts Identified for “PH” in Group-“B” Posts
2	PGT (Chemistry)	01 (UR)	
3	PGT (Bengali)	01 (OBC)	
4	PGT (Economics)	01 (UR)	
5	PGT (Pol. Science)	01 (SC)	
6	PGT (Music)	01 (UR)	
7	PGT (Com. Sci)	01 (UR)	
8	TGT (Maths)	05 (UR-03, SC-01 & OBC-01)	
9	TGT (Skt.)	04 (SC-01, ST-01, OBC-01 & UR-01)	
10	TGT (English)	01 (UR)	
11	TGT (Hindi)	01 (UR)	
12	PET	01 (OBC)	
13	Music Teacher	01 (UR)	
14	Librarian	01 (UR)	
15	Asstt. Teacher	23 (SC-03, OBC-05 & UR-15)	
	Total	44	

**PH (PHYSICALLY HANDICAPPED)*

“ • Age & qualifications will be as per recruitment rules for Delhi Govt. Aided Schools. Pay &



allowance as per Delhi Govt. Rules.

- CTET is mandatory for all TGT & Asstt. Tr. Posts.
- Only female candidates are eligible to apply for above posts.
- OBC candidates must be as per Delhi Schedule.
- Incomplete and late application will be rejected.
- Apply on prescribed form alongwith photocopies of all relevant documents by Registered Post / Speed Post to The Manager

LADY IRWIN SENIOR SECONDARY SCHOOL

Shrimant Madhav Rao Scindia Marg, New Delhi – 110001

Within 21 days of this publication.

Application form can be obtained from the school office between 10 am to 1 pm on any working day free of cost.”

Selection list (Annexure A-5)

20. List of Candidates for the post of Librarian indicating Marks obtained by them are as under:

LADY IRWIN SENIOR SECONDARY SCHOOL, Shrimant Madhav Rao Scindia Marg, New Delhi-110001
LIST OF CANDIDATES FOR THE POST OF LIBRARIAN (UR 01) Dated : 05.12.2018 *Annexure-A5*

Sl. No.	NAME	EDU. NAME	Age	DOB	XI				GRAD				B LIB				ADON				EXP	TOTAL	Libraria	G.T	Post
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16					
1.	VARDA	SATYENDRA KUMAR	472	30-08-1993	69.4	10.4	62.7	18.8	69.8	20.9	65.3	6.5	0	56.6	2	57.6									
2.	ADITHYAN	VINOD KUMAR	1414	04-03-1990	64	9.6	57.5	17.2	74.9	22.4	72	7.2	0	56.4	3.3	59.7									
3.	BPJ	AKHILESH	398	21-04-1993	72	10.8	64.5	19.3	58.2	17.4	71.7	7.1	0	54.6	AB	AB									
4.	TRIPATHI	CHANDRA TOWARI	1455	15-03-1990	57.6	8.6	63.8	19.1	66.7	20.0	60.5	6.0	0	53.7	2.2	55.9									
5.	ANBIRA BATAJW	RAVINDRA K BATA	1680	11-01-1992	88	13.2	81.8	18.5	67	20.1	0	0	0	51.8	2.4	54.2									1 (SELECTED)
6.	DAYA NIDHI	ILAMPARAI	171	29-03-1989	63.4	9.5	49.4	14.8	64.1	19.3	74.2	7.4	0	50.9	AB	AB									
7.	YETI	REKHA	1357	10-05-1994	59.2	8.8	53.2	15.9	64.7	19.2	63.5	6.3	0	50.2	AB	AB									
8.	KAMINI SANKH	NEELAM KUMAR SANKH	550	17-08-1990	48.4	7.2	55.2	16.5	65.5	19.6	64.5	6.4	0	49.7	4.8	54.1									
9.	NEHA ANAND	ANANT ANAND	683	19-05-1991	62.8	9.4	42.9	12.8	66.5	19.3	76.2	7.6	0	49.7	1.8	51.5									
10.	KULSH	SATISH	1499	23-06-1988	54.8	8.2	56.2	16.8	59.5	17.8	85.1	8.5	0	49.3	1.2	50.5									
11.	SAHITHI	ADYANNA BANARJEE	1283	13-05-1991	50.6	7.5	50.4	15.1	64.4	18.3	68.5	6.8	0	48.7	2.3	50									
12.	SWETI LADA	KAPIL BISHI	257	15-03-1992	49	7.3	52.7	15.8	61	18.3	63	6.3	0	47.7	2.4	49.1									
13.	NEHA	ANANT SINGH	387	02-11-1989	60.4	9	64	19.2	62	18.6	0	0	0	46.8	2.3	48									
14.	PROTAP SINGH	ANISH SINGH	43	19-06-1994	72	10.8	53.5	16.1	65.1	19.5	0	0	0	46.4	2.8	47.2									
15.	SHRUTI KUMAR	SHRUTIKA KUMAR	41	27-07-1985	56	8.4	47	14.1	58	17.7	57	5.7	0	45.9	1.1	47									Over age

[Dr. Bharati Saricar] [Mr. Premod Kumar] [Dr.(Mrs) Veena Rani Singh] [Dr. Drarun Veer Singh] [Mrs. Deepa Singh]
Chairman's Nominee D.E.s Nominee, D.D.E. (Zone-07) D.D.E. (Zone-26) Subject Expert. HOS

Hony. Secretary
Lady Irwin Senior Secondary School
Shrimant Madhav Rao Scindia Marg,
New Delhi-110001

Analysis and findings

21. The adjudication of this petition turns upon the interplay between the advertisement dated 31st May, 2018, the DoE marking scheme dated 26th February, 2014, Rule 104 of the Delhi School Education Rules, 1973,



Section 34 of the Rights of Persons with Disabilities Act, 2016, the pleadings of Respondent Nos. 3 and 5, and the selection record, in particular the “List of Candidates for the post of Librarian (UR 01)” dated 05th December, 2018 (Annexure A-5) and the “Direct Recruitment 2018” result sheet.

22. The petition, in substance, raises four issues: first, whether the Petitioner satisfied the baseline eligibility conditions, particularly age; second, whether the Petitioner could claim experience weightage under the applicable DoE marking scheme in light of the nature of her prior engagement.; third, whether the selection of Respondent No. 5 under the disability reservation framework against a vacancy described as “UR” was legally sustainable; and fourth, whether any of these grievances materially affected the Petitioner’s position in the merit list so as to warrant interference under Article 226.

23. At the outset, it bears emphasis that judicial review of recruitment decisions is not an appellate reassessment of comparative merit. The writ court is concerned with legality, adherence to prescribed rules, procedural fairness, and demonstrated prejudice. Where an appointment has been made and has operated for a substantial period, and where third-party rights have crystallised, the court ordinarily requires a clear breach of a mandatory rule or a defect going to the root of the process before unsettling the appointment. These limitations reflect the settled boundaries of judicial review in recruitment matters and underscore that the writ court does not sit in appeal over comparative merit.

Age eligibility

24. Eligibility on age is foundational. Rule 104 of the Delhi School



Education Rules, 1973 provides that the minimum and maximum age limits for recruitment to a recognised private school, whether aided or not, shall be the limits specified by the Administrator for appointment to corresponding posts in Government schools, with relaxations available only in accordance with orders applicable to special categories. The Respondents have consistently pleaded that the recruitment rules for the Librarian post prescribe an upper age limit of 30 years for direct recruits, with relaxation up to 35 years for Scheduled Caste candidates. The Petitioner's date of birth is recorded in Annexure A-5 as 27th July, 1980. The advertisement was issued on 31st May, 2018. On that date, the Petitioner had crossed even the outer limit of 35 years. Annexure A-5 also records the Petitioner's final remark as "Over age".

25. Once ineligibility is established on the face of the selection record, the court cannot compel the employer to treat the candidate as eligible. The Petitioner's participation in the interview, prompted by the proceedings before the National Commission for Scheduled Castes, does not cure statutory ineligibility. Participation permitted as an administrative response to a recommendation cannot operate as a waiver of recruitment rules, particularly in a regime where recruitment and recognition are tied to statutory compliance. The Petitioner's ineligibility is therefore fatal to the challenge at the threshold.

Experience weightage and the DoE marking scheme

26. The Petitioner's principal grievance is that she served as a Librarian in the same institution from 23rd April, 2006 onwards and ought to have received experience weightage under the DoE marking scheme dated 26th February, 2014. While the argument has intuitive appeal as a fairness claim,



the question in writ jurisdiction is not whether the Petitioner's long association deserves sympathy. It is whether the scheme, as framed, extended experience weightage to the Petitioner's engagement and whether the selection committee applied it in accordance with its terms.

27. The DoE order dated 26th February, 2014 is not a general direction to recognise all forms of prior engagement. It constitutes a structured marking scheme that conditions the award of experience weightage upon defined parameters and verification requirements. Two features of the scheme are material. First, it stipulates that no advantage of experience shall be given to ad hoc or contract teachers. Second, it requires that the experience certificate must specify the post held and the scale of pay and be countersigned by the concerned Education Officer. These requirements indicate both the category of experience intended to be credited and the manner in which such experience is to be verified.

28. Respondent No. 3's case is that the Petitioner's engagement was as a temporary part-time Librarian on consolidated remuneration, paid from the society's own funds, with occasional breaks, and not against a sanctioned post in a regular scale of pay. On that premise, the Respondents contend that the Petitioner could not satisfy the certification conditions of the scheme and cannot claim a legal entitlement to marks on account of her experience. That construction of the scheme is not implausible, and the court is not persuaded that the selection authority committed a manifest error in applying the scheme in the manner it did. Judicial review does not allow the court to rewrite the scheme by treating part-time consolidated engagements as equivalent to regular service in a pay scale, while simultaneously ignoring the scheme's own certification framework. If the scheme is to be applied, it



must be applied as it stands.

29. The recommendation by the National Commission for Scheduled Castes also does not create an enforceable right. At its highest, it is an advisory highlighting a perceived grievance and suggesting application of the “rule position”. The Respondents state that the Petitioner was permitted to participate in the interview in light of the Commission’s intervention. That step exhausts the practical effect of the recommendation. The recommendation cannot override recruitment rules on age, and it cannot compel the selection authority to disregard or dilute the marking scheme and the conditions that count as experience and how it is verified.

PwD reservation, “UR”, and “UR(PH)” operation

30. The Petitioner next challenges the selection of Respondent No. 5 on the ground that the vacancy described as “01 (UR)” was operated as a PwD seat without adequate disclosure. A careful examination of the record does not substantiate this claim.

31. The advertisement indeed reflects “Librarian: 01 (UR)”. It also carries a clear note on the same page that “04 posts [are] identified for *PH in Group-‘B’ posts”. It is, therefore, not a case where identification of disability-reserved posts was absent from the advertisement. The advertisement expressly conveyed that disability reservation would be applied within the Group ‘B’ posts under recruitment. The Respondents have also placed on record the Recruitment Rules for the post of Librarian, notified on 16th January, 2003 (Notification No. DE.4(19)/3/E-IV/99-Edn./12255-269), which classify the post as a Group ‘B’ post.

32. Further, Respondent No. 3 has placed on record that the DoE approved the draft advertisement for filling 44 teaching posts, including the



Librarian post, with four posts earmarked for physically handicapped candidates through direct recruitment. That approval, at the institutional level, supports the Respondents' case that PwD earmarking was not an afterthought or a post-result manipulation.

33. Disability reservation operates as a horizontal reservation. Section 34 of the Rights of Persons with Disabilities Act, 2016 mandates reservation for persons with benchmark disabilities within the cadre strength of each group of posts. Horizontal reservation cuts across vertical categories. In that framework, the description "UR" in a vacancy table refers to the vertical category, whereas a notation such as "UR(PH)" signifies the application of horizontal reservation within the unreserved stream.

34. In these circumstances, the mere description of the vacancy as "UR" in the advertisement does not preclude its operation as a horizontally reserved PwD seat. The Petitioner has not placed on record any roster material or binding prescription to demonstrate that the Librarian post could not be so operated, or that additional post-specific disclosure was mandatory beyond what was indicated in the advertisement.

Outcome and prejudice, quantified

35. Even if the court were to assume, purely for argument, that the Petitioner was entitled to the maximum experience weightage of 10 marks, the challenge does not succeed on the question of prejudice. Annexure A-5 records her Total (out of 95) as 45.9, interview marks as 1.1, and a grand total of 47.0. Addition of 10 experience marks would raise her revised Total to 55.9 and her grand total to 57.0.

36. However, the candidate at Serial No. 2 secured 59.7 marks, and the candidate at Serial No. 1 secured 57.6 marks. Even on this recalculation, the



Petitioner's score of 57.0 would remain below both. This comparison demonstrates that the Petitioner's grievance, even if accepted on its highest formulation, does not yield an outcome that places her within the zone of appointment.

37. This is not a case where a candidate lost by a narrow margin and demonstrates that a clearly mandatory component was wrongly withheld to her alone. It is a case where the Petitioner is independently recorded as age-ineligible, where experience marks were uniformly recorded as "0" across candidates, and where a best-case assumption on experience still does not carry the Petitioner to the top of the merit list. Writ relief is not granted to correct an abstract irregularity when the Petitioner cannot establish that the relief would legitimately culminate in her appointment.

Participation objection and the equities of long service

38. Respondent No. 5 invokes the settled principle that a candidate who participates in a selection process cannot, upon being unsuccessful, turn around and assail the process. While this principle does not shield a selection that is demonstrably illegal, it does counsel restraint where the challenge is mounted post-result without identifying a mandatory-rule breach that altered the rules of the game or material prejudice affecting the outcome. That restraint assumes particular significance in the present case for the reasons already discussed.

39. A further factor strengthens the conclusion. Respondent No. 5 joined the school in July 2019 pursuant to interim orders and has continued in service since then. When an appointment has stood for years, the court insists on a clear illegality going to the root before unsettling it. The present case does not meet that threshold.



Conclusion

40. For all these reasons, the petition fails on multiple, independent grounds. The Petitioner is age-ineligible as recorded on the face of Annexure A-5. The claim to experience weightage does not translate into an enforceable right within the marking scheme's own conditions and verification requirements. The operation of disability reservation as "UR(PH)" is consistent with the advertisement note, the statutory framework of horizontal reservation under the 2016 Act, and the contemporaneous selection record. In any event, even if the Petitioner is credited with the maximum experience weightage, the Petitioner still does not displace the selected candidate or top the merit list. No prejudice is therefore demonstrated. No ground is made out for interference under Article 226.

41. Dismissed along with pending applications.

SANJEEV NARULA, J

FEBRUARY 04, 2026

as