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

Date of Decision: 25th April, 2026.

+ W.P.(C) 1349/2022

RAVI KUMAR TRIPATHI & ORS.Petitioners

Through: Ms. Amita Singh Kalkal and Ms.
Aditi Gupta, Advocates.

versus

PRINCIPAL DISTRICT AND SESSIONS JUDGE
HEADQUARTERS TIS HAZARI DISTRICT COURTS DELHI

....Respondent

Through: Mr. Nitesh Kumar Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

[As per Notification No. 64/G-4/Gen1.-I/DHC dated 27th February, 2026, matters listed on 3rd March, 2026 (on account of "Holi"), are to be taken up on 25th April, 2026.]

1. The Petitioners are employees of the Delhi District Courts establishment, having entered service as Junior Judicial Assistants (earlier designated as LDCs/Ahlmads/Assistant Ahlmads). Their grievance arises from a series of orders whereby promotions granted to them to the post of Judicial Assistant were subsequently withdrawn. The challenge is not premised on denial of initial consideration; rather, it is undisputed that the Petitioners were duly promoted, discharged duties on the higher post for varying periods, and were thereafter reverted on the ground that such



promotions were purely officiating in nature.

2. The Petitioners seek quashing of the orders dated 20th September, 2017, 6th December, 2017 and 13th February, 2019, in so far as those orders withdrew their promotions. They also seek a direction that no recovery be made of the salary or arrears paid to them on account of their having worked as Judicial Assistants pursuant to the promotion orders dated 23rd August, 2017 and 20th September, 2017.

Factual background

3. On 29th January, 2013, the Government of NCT of Delhi conveyed approval for creation of 50 additional posts in the Delhi Higher Judicial Service and 100 posts in the Delhi Judicial Service, along with ancillary staff. The communication specifically recorded that the ancillary staff would be filled as and when the posts of Judicial Officers were filled.

4. On 2nd December, 2013, the Delhi District Courts Establishment (Appointment and Conditions of Service) Rules, 2012¹ were notified. Under the Rules, the post of Judicial Assistant is a promotion post from the cadre of Junior Judicial Assistant. The method of recruitment is by promotion on the basis of seniority-cum-suitability. The eligibility prescribed is five years' service for graduates and ten years' service for non-graduates in the post of Junior Judicial Assistant. The Rules also provide that appointments by promotion shall be made on officiating basis for a period of two years. The period of officiation may be extended for reasons to be recorded, but not beyond double the normal period.

5. The impugned promotion exercise took place after an earlier round of litigation concerning the District Courts establishment. By judgment dated



22nd March, 2010, this Court in *Jagdish Rana & Ors. v. Govt. of NCT of Delhi & Ors.*,² noticed the adverse effect of administrative delay on the morale of employees, and directed GNCTD to sanction the upgradation of posts of LDCs to UDC. Thereafter, in Contempt Case (Civil) No. 1079/2016, an order dated 2nd May, 2017 came to be passed. The promotion exercise undertaken in August, 2017 was in compliance with the aforesaid directions.

6. The Selection Committee met on 19th August, 2017. The minutes record that, as on 31st March, 2017, there were 869 + 7 posts to be upgraded from Junior Judicial Assistant to Judicial Assistant. It further records that 25 more posts of Judicial Assistant were also lying vacant. The total vacant posts of Judicial Assistant were thus noted as 901.

7. Pursuant to the recommendations of the Selection Committee, an order dated 23rd August, 2017 was issued, granting promotion/upgradation to Junior Judicial Assistants as Judicial Assistants. The Petitioners, except Ravi Kumar Tripathi (Petitioner No. 1), figured in this order.

8. On 8th September, 2017, the Selection Committee considered certain officials, including Petitioner No. 1, who had earlier not been recommended. By order dated 20th September, 2017, promotion of three officials, including Sandeep (Petitioner No. 9), was withdrawn and three other officials, including Petitioner No. 1, were promoted. Petitioner No. 1 was granted promotion with effect from 16th February, 2014.

9. On 6th December, 2017, two developments took place. First, the earlier order dated 23rd August, 2017 was revised and notional dates of

¹ “2012 Rules”

² W.P.(C) No. 5686/1998.



promotion were granted to several Judicial Assistants; Petitioner Nos. 1-4 and 6 received notional promotion with effect from 11th February, 2014. Secondly, the promotion of Petitioner No. 5, 7 and 8 was withdrawn.

10. On 22nd March, 2018, a notification was issued under Rule 19(2) and (4) of the 2012 Rules notifying 52 vacant posts of Judicial Assistant as on 17th March, 2018 and four likely vacancies due to retirement in 2018.

11. On 14th January, 2019, the Selection Committee again considered cases where certain officials had earlier not been promoted or whose cases had remained under cloud. Pursuant to the minutes of this meeting, the impugned order dated 13th February, 2019 was issued, whereby the promotions of, *inter alia*, Petitioner Nos. 1-4 and 6 were withdrawn and another set of officials was granted promotion to the post of Judicial Assistant.

12. Five days later, on 18th February, 2019, a notification was issued notifying vacancies for the year 2019. This notification recorded 217 vacant posts of Judicial Assistant as on 5th February, 2019 and two further vacancies likely to arise due to retirement in 2019.

13. Aggrieved by the withdrawal of their promotion, the Petitioners submitted representations dated 5th March, 2019. The matter was placed before the Grievances Redressal Committee. In its meeting dated 27th March, 2019, the Committee noted that sufficient vacancies existed at the relevant time from the dates of actual promotion granted to the “representationists”. It further noted that the “representationists” had worked on officiating basis against those vacancies and, regular vacancies being in existence, an effective hearing ought to have been granted before passing an adverse order of reversion, as the decision was prejudicial to them. The



Committee recommended that the representations of Petitioner Nos. 1-6 and 8 be sent to the Selection Committee with a request to afford them a hearing on their reversions.

14. On 4th June, 2019, notice was issued for a meeting of the Selection Committee to be held on 6th June, 2019. The aforesaid Petitioners were called upon to attend the said meeting. It is the Petitioners' case that they appeared, but no speaking order dealing with their grievance was communicated to them.

15. The Petitioners thereafter submitted further reminders/representations. On 25th September, 2021, the Respondent issued a fresh promotion order by which a large number of Junior Judicial Assistants were promoted as Judicial Assistants. Several Petitioners also came to be promoted in this exercise. Petitioner No. 9, however, was found unfit for want of benchmark in the 2021 exercise. For ease of reference, the relevant position may be noted in one place:

S. No.	Name	Date of joining District Court	Position in order dated 23 rd August, 2017	Later revision/notional position	Withdrawal order
1	Ravi Kumar Tripathi	16 th February, 2009	Promoted by order dated 20 th September, 2017, w.e.f. 16 th February, 2014	Serial No. 838 in order dated 6 th December, 2017, notional date 11 th February, 2014 and actual/officiating date 16 th February, 2014	13 th February, 2019
2	Rakesh Singh Rawat	12 th February, 2009	Serial No. 833, w.e.f. 12 th February, 2014, officiating basis	Serial No. 840 in order dated 6 th December, 2017, notional date 11 th February, 2014 and actual/officiating	13 th February, 2019



S. No.	Name	Date of joining District Court	Position in order dated 23 rd August, 2017	Later revision/notional position	Withdrawal order
				date 12 th February, 2014	
3	Sarika	3 rd August, 2009	Serial No. 834, w.e.f. 3 rd August, 2014, officiating basis	Serial No. 841 in order dated 6 th December, 2017, notional date 11 th February, 2014 and actual/officiating date 3 rd August, 2014	13 th February, 2019
4	Shobha	28 th April, 2009	Serial No. 835, w.e.f. 28 th April, 2014, officiating basis	Serial No. 842 in order dated 6 th December, 2017, notional date 11 th February, 2014 and actual/officiating date 28 th April, 2014	13 th February, 2019
5	Kavita Chugh	24 th February, 2009	Serial No. 842, w.e.f. 24 th February, 2014, officiating basis	Promotion withdrawn by order dated 6 th December, 2017	6 th December, 2017
6	Mohit Anand	6 th May, 2009	Serial No. 837, w.e.f. 6 th May, 2014, officiating basis	Serial No. 844 in order dated 6 th December, 2017, notional date 11 th February, 2014 and actual/officiating date 6 th May, 2014	13 th February, 2019
7	Ritu Tyagi	18 th April, 2009	Serial No. 841, w.e.f. 18 th April, 2014, officiating basis	Promotion withdrawn by order dated 6 th December, 2017	6 th December, 2017
8	Kanchan Sachdeva	18 th May, 2009	Serial No. 843, w.e.f. 18 th May, 2014, officiating	Promotion withdrawn by order dated 6 th	6 th December, 2017



S. No.	Name	Date of joining District Court	Position in order dated 23 rd August, 2017	Later revision/notional position	Withdrawal order
			basis	December, 2017	
9	Sandeep	27 th February, 2009	Serial No. 845, w.e.f. 27 th February, 2014, officiating basis	Promotion withdrawn by order dated 20 th September, 2017	20 th September, 2017

16. On 1st February, 2022, the Respondent communicated to Petitioner No. 1 that his representations had been placed before the Selection Committee in its meetings dated 23rd August, 2021 and 8th September, 2021. The communication records the Selection Committee's observed that, 30 cases had been kept in sealed cover and 12 officials were working as Judicial Assistants purely on officiating basis. It further records that, since eligible officials had already been promoted in earlier meetings, the officials working as Judicial Assistants purely on officiating basis had been considered for regular promotion according to their seniority in the zone of consideration, and that regular promotion would be effective from the date of assuming charge.

Petitioners' Case

17. Counsel for the Petitioners submits that the impugned withdrawal orders are violative of Articles 14 and 16 of the Constitution. It is contended that the Petitioners were not merely aspirants awaiting consideration for promotion; they had, in fact, been promoted, assumed charge, and discharged duties on the higher post, before being reverted. In such circumstances, the Respondent could not, by a mere recital that the promotions were "purely officiating," withdraw the same, particularly when vacancies in the cadre were available.



18. It is further submitted that the Respondent has failed to address the central issue, namely, the existence of vacancies. The record, including the proceedings of the Selection Committee and subsequent notifications, reflects that substantial vacancies in the cadre of Judicial Assistant existed during the relevant period. On this basis, it is contended that there was no administrative necessity to revert the Petitioners. Counsel also contends that the explanation founded on the “sealed cover” procedure does not justify the impugned action. While the Petitioners do not dispute the authority of the Respondent to consider eligible officials who may have been earlier overlooked, the Respondent could have accommodated both the Petitioners and subsequently considered officials against the available posts.

19. It is further urged that the impugned orders are non-speaking, inasmuch as they merely record withdrawal of promotions and substitution by other officials, without disclosing any reasons as to why reversion was unavoidable despite the existence of vacancies, or any consideration of relevant factors such as service record, suitability, or the effect of continued officiation. An order entailing civil consequences, it is submitted, must be reasoned and demonstrably fair.

20. On the aspect of natural justice, it is submitted that the Petitioners were not afforded any opportunity of hearing prior to the issuance of the withdrawal orders. Any subsequent hearing cannot cure the defect as the orders had already been implemented and no reasoned decision was thereafter communicated. Reliance is placed on the minutes of the Grievances Redressal Committee, which records the existence of vacancies and the necessity of granting an effective hearing prior to passing an adverse order.



21. Counsel further submits that the Petitioners were otherwise eligible for promotion, as is evident from their inclusion in the promotion orders. The withdrawal was not on account of any deficiency in eligibility, service record, vigilance status, or suitability, but solely to accommodate other officials at a later stage. It is urged that the Petitioners cannot be made to suffer for any delay or omission attributable to the Respondent's own promotion exercise.

22. It is further submitted that the District Court establishment is expected to act as a model employer. Promotions in the establishment had already suffered considerable delay. In this context, reliance is placed on the observations of this Court in *Jagdish Rana*, wherein it was noted that administrative delay in conferring service benefits has a demoralising effect on employees. Reliance is also placed on the judgements of the Supreme Court in *Shankarsan Dash v. Union of India*,³ and this Court in *Sushma Banga v. Delhi Administration and Ors.*⁴

23. On the issue of recovery, counsel relies upon *State of Punjab v. Rafiq Masih (White Washer)*.⁵ It is submitted that the Petitioners belong to the lower rungs of the establishment, discharged duties on the higher post pursuant to orders issued by the employer, and were not guilty of fraud, misrepresentation or suppression. Any recovery of salary already paid for work actually performed would be harsh and contrary to settled law.

Respondent's Case

24. Counsel for the Respondent submits that the writ petition proceeds on an erroneous premise. The Petitioners were not granted regular promotions

³ (1991) 3 SCC 47.

⁴ 2003 SCC OnLine Del 263.



conferring any vested right; rather, their promotions were purely officiating in nature, made to ensure continuity of work while certain cases remained under sealed cover or otherwise pending consideration. Upon clearance of such cases, the officials temporarily promoted were required to yield place. The withdrawal was therefore a natural consequence of the temporary nature of the promotion.

25. It is submitted that the Selection Committee met on 19th August, 2017 in compliance with the directions passed in *Jagdish Rana* and the related contempt proceedings. Out of the total candidates considered, 868 Junior Judicial Assistants were promoted/upgraded as Judicial Assistants by order dated 23rd August, 2017. Only a limited number of officials were placed on officiating basis against posts corresponding to sealed cover cases or in substitution of officials who could not then be considered due to lack of eligibility or requisite clearance.

26. Counsel submits that the Committee was entitled to adopt a procedure for sealed-cover cases. Officials facing departmental enquiry, criminal proceedings, fact-finding enquiry or vigilance issues could not be promoted immediately. To avoid disruption in functioning, temporary officiating arrangements were made. Such arrangements, by their very nature, were liable to cessation upon resolution of the claims of the concerned officials.

27. It is further submitted that the case of Petitioner No. 1 illustrates that the Respondent acted to rectify errors in the promotion process. Upon finding that he had been wrongly treated as ineligible, the order dated 20th September, 2017 was passed, reverting certain officiating promotes, thus accommodating him and others.

⁵ (2015) 4 SCC 334.



28. With regard to the order dated 6th December, 2017, it is submitted that the Selection Committee, in its meeting dated 8th November, 2017, noticed that certain officials had been described as promoted on a regular basis due to a typographical error, whereas their promotions were in fact officiating. The subsequent order merely corrected this clerical mistake, and no vested right could arise from such an inadvertent description. Further, the order dated 13th February, 2019, was issued in pursuance of the minutes dated 14th January, 2019, wherein certain officials were found fit for promotion after removal of earlier impediments or upon opening of sealed covers. The Petitioners, having been promoted only on an officiating basis, were accordingly reverted in consonance with the terms of their appointment.

29. The Respondent disputes the allegation that the Petitioners' representations were not considered. It is submitted that the Grievances Redressal Committee recommended that they be heard by the Selection Committee. Thereafter, notice was issued for the meeting dated 6th June, 2019. Later, their representations were placed before the Selection Committee in its meetings dated 23rd August, 2021 and 8th September, 2021. By communication dated 1st February, 2022, the Petitioners were informed that their representations had been disposed of and that their regular promotion would be effective from the date of assuming charge pursuant to the later promotion exercise.

30. Counsel submits that the Petitioners cannot claim regular promotion merely because vacancies existed. Promotion to a post depends not only on vacancy but also on seniority, zone of consideration, suitability, vigilance status, benchmark, availability of records and the recommendation of the competent Committee. Reliance is placed on Union of *India v. K.K.*



Vadera,⁶ to submit that promotion takes effect from the date it is granted and not from the date on which the vacancy arises. Reliance is also placed on *Union of India & Anr. v. Manpreet Singh Poonam*,⁷ where the Supreme Court reiterated that an employee has no vested right to promotion and that delay in consideration does not itself create a right to retrospective promotion.

31. On the issue of recovery, it is submitted that no recovery has been effected from the Petitioners thus far. Counsel for the Respondent states that any decision in that regard, if required, would be taken in accordance with the governing rules, applicable judgements, and directions of this Court.

Points for determination

32. Having heard counsel and examined the record, the following questions arise for consideration:

- (i) Whether the impugned withdrawal orders dated 20th September, 2017, 6th December, 2017 and 13th February, 2019 suffer from arbitrariness or procedural unfairness in so far as they reverted the Petitioners from the post of Judicial Assistant despite the recorded vacancy position in that cadre.
- (ii) Whether the Respondent's justification that the Petitioners were promoted only on officiating basis, against sealed-cover or temporarily unavailable cases, is sufficient in law to sustain the withdrawals without a recorded consideration of available vacancies.
- (iii) Whether the Petitioners are entitled to restoration, continuity, notional benefits or any other consequential relief in the cadre of Judicial Assistant.
- (iv) Whether the Respondent can recover salary or arrears paid to the

⁶ Union of India v. K.K. Vadera, 1989 Supp (2) SCC 625.

⁷ Civil Appeal Nos. 517-518 of 2018, decided on 8th March, 2022.



Petitioners for the period during which they actually worked as Judicial Assistants.

Analysis

33. The present case calls for a limited yet careful inquiry. It is not necessary to lay down, as an absolute proposition, that every officiating promotion confers a vested right; it plainly does not. Equally, it cannot be accepted that the mere description of a promotion as “officiating” confers an unfettered power on the employer to withdraw it without reasons, without affording an opportunity of hearing, and without examining whether such reversion is administratively warranted.

34. The Respondent’s position is, to a limited extent, justified. In the 2017 exercise, certain officials could not be considered owing to sealed cover proceedings, vigilance issues, or erroneous assessment of eligibility. Upon subsequent clearance, the administration was entitled to consider such officials in accordance with their seniority and eligibility, and a junior employee cannot ordinarily claim precedence over a senior who was earlier excluded for valid reasons.

35. However, this does not conclude the issue before the Court. The Petitioners do not dispute the entitlement of such officials to promotion; their contention is that their own reversion was unwarranted in view of the availability of vacancies. While the Respondent has explained the basis for promoting other officials, it has not satisfactorily addressed the necessity of reverting the Petitioners despite the existence of vacant posts.

36. The record reflects that vacancies persisted throughout the relevant period. The minutes dated 19th August, 2017 record 901 vacant posts of Judicial Assistant, of which 868 were filled. Subsequent notifications dated



22nd March, 2018 and 18th February, 2019 indicate continuing vacancies, including 217 posts shortly prior to the order dated 13th February, 2019. This position is further corroborated by the RTI material placed on record.

37. The Respondent has not placed on record any reasoned decision demonstrating why the available vacancies could not be utilised to accommodate the Petitioners, at least until a regular promotion exercise was undertaken. The impugned orders proceed on the assumption that the only permissible course was to substitute one set of employees with another. Such an assumption is not self-evident. Where vacancies exist within the cadre, and an employee has already been promoted and discharged duties on the higher post, the administration is required to justify why reversion is unavoidable; however, no such consideration is borne from the record.

38. This deficiency is accentuated by the findings of the Grievances Redressal Committee in its minutes dated 27th March, 2019, recording that adequate vacancies existed at the relevant time, that the Petitioners had worked on an officiating basis against such vacancies, and that an effective opportunity of hearing ought to have preceded an adverse order of reversion. This observation emanates not from the Petitioners, but from an internal committee of the Respondent itself. While the Selection Committee was not bound to accept this view, it was incumbent upon them to address the same by a reasoned determination. The record does not indicate that such consideration was undertaken.

39. The subsequent hearing does not cure this defect. Although notices were issued for a meeting of the Selection Committee, and the Petitioners are stated to have participated, no reasoned or speaking order has been placed on record addressing their specific grievance. The communication



dated 1st February, 2022 merely states that their representations were considered and that regular promotions would operate prospectively in accordance with seniority. This does not address the prior question as to why their reversion in 2017 and 2019 was warranted despite the existence of vacancies.

40. The distinction is material. The Petitioners' claim comprises two aspects: first, a claim for retrospective regular promotion; and second, a challenge to the withdrawal of promotions already granted and acted upon. The Respondent's reliance on *K.K. Vadera* and *Manpreet Singh Poonam* pertains primarily to the former. Those decisions affirm that promotion does not ordinarily relate back to the date of vacancy and that no vested right arises merely from the existence of a vacancy. That principle is well settled. However, the present case is not one of a mere claim to retrospective promotion. The Petitioners were promoted by the employer, discharged duties on the higher post, and were subsequently reverted despite the availability of vacancies.

41. In this context, the principle in *Shankarsan Dash* assumes relevance. While inclusion in a select list does not confer an indefeasible right to appointment, the State is equally precluded from acting arbitrarily or refusing appointment without valid reason. This principle operates both ways: it prevents a claim to promotion solely on the basis of vacancy, but equally obliges the Respondent to demonstrate a rational basis for not accommodating employees who had already been promoted, particularly where vacancies were available.

42. The 2012 Rules also merit careful consideration. Rule 21 stipulates that promotions shall be on an officiating basis for a period of two years.



This does not imply that a promotee acquires automatic regularisation upon completion of such period, irrespective of seniority, suitability, or cadre position. To that extent, the Petitioners' contention cannot be accepted in absolute terms. At the same time, officiation cannot be regarded as a wholly fragile arrangement capable of being unsettled at any time without justification. Where an employee has continued to officiate, has discharged duties on the post, and vacancies are available, any order of reversion must be supported by cogent administrative reasons. Beyond a general assertion that other officials were promoted "in place of" the Petitioners, no such justification is forthcoming.

43. There is also no allegation that the Petitioners secured promotion by fraud, misrepresentation, or any form of manipulation. Their promotions were effected pursuant to a comprehensive promotion exercise, and the subsequent withdrawals arose from the Respondent's own reassessment of sealed-cover cases, eligibility, and service records. The Petitioners cannot be faulted for consequences flowing from such administrative processes.

44. The Respondent's submission that no recovery has been effected does not render the issue academic. The Petitioners' apprehension arises from the withdrawal of promotions. The legal position is settled. In *Rafiq Masih*, the Supreme Court held that recovery from employees in the lower rungs of service, in the absence of fraud or misrepresentation, is impermissible where it would operate harshly or inequitably. The Petitioners discharged duties of the higher post under orders of the Respondent and received corresponding remuneration. In the absence of any allegation of wrongdoing, recovery would unjustly penalise them for compliance with official orders.

45. In these circumstances, the impugned orders cannot be sustained to



the extent they withdraw the Petitioners' promotions without consideration of available vacancies and without a reasoned determination as to the necessity of reversion. At the same time, a direction granting retrospective regular promotion from the dates of officiation may disturb existing seniority and affect the rights of third parties, and may also bypass the statutory scheme governing promotions. The appropriate course, therefore, is to set aside the impugned withdrawal orders, insofar as they affect the Petitioners, and remit the matter to the competent Selection Committee for a fresh and reasoned consideration in accordance with law.

46. The fresh consideration must not be an empty formality. The Committee shall specifically examine: (i) the vacancy position in the cadre of Judicial Assistant on the relevant dates, including 20th September, 2017, 6th December, 2017 and 13th February, 2019; (ii) whether the Petitioners could have been accommodated against available vacancies without disturbing the claims of senior or sealed-cover candidates later found suitable; (iii) whether any Petitioner was otherwise ineligible, unfit or outside the zone of consideration at the relevant time; and (iv) the effect of the Petitioners having worked as Judicial Assistants pursuant to the earlier promotion orders.

47. For Sandeep (Petitioner No. 9), the Committee shall separately consider his case. His promotion was withdrawn on 20th September, 2017. The Respondent has further stated that he was found unfit in the 2021 exercise due to non-fulfilment of the prescribed benchmark. While such subsequent assessment may be relevant for the 2021 promotion exercise, it cannot, by itself, determine the validity of the withdrawal effected in 2017. The Committee shall therefore examine whether the withdrawal of his



promotion, in the context of the vacancies then available and the reasons recorded, or not recorded, in the order dated 20th September, 2017, was justified.

48. In respect of Kavita Chugh, Ritu Tyagi and Kanchan Sachdeva (Petitioner Nos. 5, 7 and 8), whose promotions were withdrawn by order dated 6th December, 2017, their cases shall be reconsidered with reference to the vacancy position prevailing at the relevant time and the reasons which led to such withdrawal.

49. As regards Ravi Kumar Tripathi, Rakesh Singh Rawat, Sarika, Shobha and Mohit Anand (Petitioner Nos. 1, 2, 3, 4 and 6), whose promotions were withdrawn by order dated 13th February, 2019, their cases shall be examined with reference to the vacancy position as it then stood, including the notification dated 18th February, 2019 recording 217 vacant posts of Judicial Assistant as on 5th February, 2019, as well as the minutes of the Grievances Redressal Committee dated 27th March, 2019.

Relief

50. For the reasons stated above, the writ petition is disposed of in the following terms:

(i) The orders dated 20th September, 2017, 6th December, 2017 and 13th February, 2019 are set aside to the limited extent they withdraw the promotions of the Petitioners, subject to fresh consideration by the competent Selection Committee in terms of this order.

(ii) The competent Selection Committee shall reconsider the cases of the Petitioners in the light of the observations made above and shall pass a reasoned order within twelve weeks from the date of receipt of a copy of this order.



(iii) While reconsidering the matter, the Committee shall specifically deal with the vacancy position in the cadre of Judicial Assistant on the relevant dates and shall record whether the Petitioners could or could not have been accommodated against available vacancies without prejudice to the claims of officials who were senior, eligible or later found fit.

(iv) If, upon such reconsideration, the Committee finds that any Petitioner could have been accommodated against an available vacancy, consequential benefits shall be considered in accordance with law. Such benefits may include continuity, notional fixation, seniority or monetary benefits, as may be permissible under the 2012 Rules and without unsettling rights already crystallised in favour of third parties, except in accordance with law.

(v) No recovery shall be made from the Petitioners of the salary or arrears paid to them for the period during which they actually worked as Judicial Assistants pursuant to the orders dated 23rd August, 2017, 20th September, 2017 or 6th December, 2017. Any recovery already made, if any, shall be refunded within eight weeks.

51. The writ petition is disposed of in the above terms. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

APRIL 25, 2026

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