



2026:DHC:7383-DB



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

CNR No. DLHC010110492025

+ **W.P.(C) 2731/2025**

MONIKA MEHAR

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Nikhil Pawar, Ms. Tanya Rose, Ms. Kritika Matta, Mr. Shubham Bahl, Mr. Pradeep Kumar, Ms. Bhumica Kundra, Ms. Anjali Bansal, Mr. Lovekesh Kumar, Mr. Shakib Malik and Mr. Manas Verma, Advs.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with Mr. Nitesh Kumar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AMIT MAHAJAN

JUDGMENT (ORAL)

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13.08.2026

C. HARI SHANKAR, J.

1. The petitioner is a candidate belonging to the Scheduled Tribes. She applied, consequent to an advertisement released by the Delhi Subordinate Selection Board¹, for recruitment to the post of PGT (History) (Female) in the Directorate of Education, Government of National Capital Territory of Delhi. She cleared all rounds of selection and was placed second in the wait list. There were five vacancies. Five candidates were initially selected in the ST category. The first

¹ "DSSSB" hereinafter



candidate in the wait list was one Anju Meena and the second was the petitioner.

2. The result notice was issued on 26 October 2021. The candidature of one Savita Meena, who was one of the five selected ST candidates, was cancelled by order dated 18 October 2022 which was within a year of the result notice dated 26 October 2021. The vacancy which thus arose was offered to Anju Meena, who was the first candidate in the wait list. With the vacancy being offered to Anju Meena, Anju Meena entered the select list and the petitioner became the first wait listed ST candidate.

3. By order dated 12 May 2023, which was beyond a year from the result notice dated 26 October 2021, the candidature of Anju Meena was cancelled on the ground that the scrutiny of her educational documents indicated that she had simultaneously undertaken an MA history degree and a B.Ed. degree from the University of Rajasthan. This rendered her ineligible. Accordingly, her candidature was cancelled.

4. One vacancy, thus, remained unfilled.

5. The petitioner's case before the Central Administrative Tribunal² was that, as she was the first candidate in the wait list after elevation of Anju Meena from the wait list to the list of selected candidates, the vacancy which arose as a result of cancellation of the candidature of Anju Meena ought to have been offered to her.

² "the Tribunal" hereinafter



6. The DSSSB contended, *per contra*, that, as one year from the date of result notice dated 26 October 2021 had elapsed by the time Anju Meena's candidature was cancelled, the panel had elapsed by efflux of time by then and it was not possible, therefore, to accommodate the petitioner. The Tribunal has accepted the stand of the respondent and has, by judgment dated 20 December 2024, dismissed OA 2110/2023 preferred by the petitioner before it.

7. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

8. We have heard Mr. Anuj Aggarwal, learned Counsel for the petitioner and Mr. N. K Singh, learned Counsel for the respondents.

9. Mr. Anuj Aggarwal, learned Counsel for the petitioner, contends that the wait list ought to have been operated once Anju Meena's candidature was cancelled. He has predicated his contention on the judgment of a Coordinate Bench of this Court, authored by one of us (C. Hari Shankar, J.) in ***State (NCT of Delhi) v. Shabana Parveen***³. He submits that, as Anju Meena was *ex facie* ineligible for being selected, her very inclusion in the select list was vitiated and, had she not been thus included, the petitioner would have been the first candidate in the wait list, and would have occupied the vacancy which arose as a consequence of cancellation of the candidature of Savita Meena on 18 October 2022.

³ 2024 SCC OnLine Del 9473



10. Mr. Singh contends, *per contra*, that the proposition that a wait list cannot be operated beyond the life of a panel is absolute and, irrespective of the reason why the vacancy arose after the panel had expired, there could be no question of operating the wait list at that point of time.

11. We have considered the submissions of both sides with all due seriousness.

12. The proposition that a panel cannot be operated beyond its life is generally unexceptionable. It is also settled that life of a panel is ordinarily one year. However, what falls for question in the present case is whether, if the panel itself is faulty in that ineligible candidates have been included in it, and it is admitted from the facts that, if such ineligible candidates have not been included, the petitioner before the Court would have figured in the select list, relief can be denied to the petitioner merely on the ground that the life of the panel had expired.

13. This Court has had occasion to consider a similar situation in its judgment in *Shabana Parveen*. In that case, even while reiterating the general principle that a panel cannot be operated beyond its life, this Court drew a distinction in a case where a candidate had unfairly and illegally been placed in the wait list merely because ineligible candidates had been included in the main list of selected candidates. Where it was possible, even at the time of preparing the select list, to sift the ineligible from the eligible candidates, we have held that the administration cannot take advantage of its mistake in including ineligible candidates in the select list. For ready reference, we may



reproduce, the following passage from the judgment in *Shabana Parveen*:

“9. As such, Mr. Singh’s repeated emphasis on the fact that no wait list was maintained as the instructions for drawing up of a wait list were issued subsequently is tangential to the issue at hand. The issue is not about maintaining or not maintaining a wait list. The respondent’s claim was not on the ground that she ought to have been included in the wait list. Her claim was that, if Nisha had not been included in the merit list, she would have figured at the fifth place in the merit list.”

14. In the present case, the inclusion of Anju Meena in the wait list was clearly illegal. There is no explanation for this, from the side of the respondent. Mr. Singh is unable to elucidate as to why Anju Meena figured in the wait list, when she did not possess the requisite educational qualifications, having pursued two degrees simultaneously from the same institution.

15. The disqualification which visited Anju Meena is not one which, we can hold, was only discernible at a later point of time after the selection had taken place. There is no explanation for including Anju Meena in the select list ignoring the fact that she was possessing degrees for two courses pursued simultaneously from the same institution. Had the petitioner exercised even rudimentary vigilance at the time of preparing the select list, Anju Meena would not have figured in the wait list. Had Anju Meena not figured in the wait list, the petitioner would have been the first wait listed candidate. With the cancellation of the candidature of Savita Meena, which was within a year of the preparation of the release of the result notice, the petitioner would have entered the select list. There would, therefore, have been



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no question of operating the panel beyond its life.

16. Following the judgment of this Court in *Shabana Parveen*, we set aside the order of the Tribunal.

17. The writ petition is allowed, with consequential reliefs.

C. HARI SHANKAR, J.

AMIT MAHAJAN, J.

AUGUST 13, 2026/AR