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

\# **CNR No. DLHC010214602026**

\+ W.P.(C) 6591/2026 & CM APPL. 32474/2026

PARDEEP KUMAR .....Petitioner

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

versus

GOVT. OF NCT OF DELHI & ORS. .....Respondents

Through: Mr. Nitesh Kumar Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% 25.08.2026

C. HARI SHANKAR, J.

1. The Delhi Subordinate Services Selection Board[1] issued an advertisement on 12 May 2021 for recruitment to the posts of Trained Graduate Teachers (Hindi) (Male). The petitioner, who is an unreserved category candidate, belonging to the Economically Weaker Section[2], was one of the candidates who applied. In the written examination, the petitioner scored 101.52 marks, which was above the

[1] "DSSSB" hereinafter
[2] "EWS" hereinafter

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minimum of 81.82 marks scored for qualifying for inclusion in the select list. The final result of the examination was declared on 2 August 2022, in which the petitioner was at S. No. 11 in the select list of EWS candidates.

2. The examination formed subject matter of dispute before the Central Administrative Tribunal[3] in OA 2473/2022, which was disposed of by the Tribunal by judgment dated 19 October 2022, with the following directions:

> "1. Respondent No. 2/Appointing Authority shall verify eligibility criteria, scrutinize experience certificate etc. furnished by the candidates who are nominated in impugned result notice, as expeditiously as possible and in any case within a period of four months from today.
>
> 2. Respondent No. 2/Appointing Authority, thereafter, if required, undertake further scrutiny of the candidates from the waiting panel. This exercise shall be completed within a period of two months thereafter.
>
> 3. In the event, after scrutiny of the candidates from the waiting panel, there are still some vacancies, then the Respondent No. 2/Appointing Authority shall carry out the same exercise in respect of the candidates from the reserve list. This exercise shall be completed before the expiry of period of one year from the declaration of the main result."

3. As there was no compliance with the above directions of the Tribunal, the petitioner filed CP 734/2023 before the Tribunal, alleging contempt.

4. During the pendency of the CP, it was noticed that certain candidates who claimed to belong to the EWS had produced

[3] "the Tribunal" hereinafter

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certificates obtained after the cut off date stipulated in the advertisement which was 4 July 2021. A High Power Committee[4] was constituted by the Chief Secretary, GNCTD on 4 May 2023 to look into the matter.

5. While the issue relating to the candidates who had furnished the EWS certificates after the cut off date was pending before the HPC, one year from the date of publication of the result expired on 1 August 2023.

6. The HPC furnished its report on 5 February 2024, advising that candidates who had produced EWS certificates beyond the prescribed cut off date would not be entitled to EWS benefit. The result was that five candidates in the select list, who had produced EWS certificates beyond the cut off date, were removed from the select list and the seats occupied by the said five candidates were added back to the number of EWS vacancies.

7. There is no dispute about the fact that, if the select panel was to be operated beyond the number of candidates who had originally been selected, the petitioner would become entitled to be selected against one of the said newly arising five vacancies.

8. The petitioner, therefore, reapproached the Tribunal by way of OA 3857/2024, staking a claim to one of the newly arising five vacancies and, therefore, praying that he be selected and appointed to the post of TGT (Hindi) Male, as he was otherwise qualified on

[4] "HPC" hereinafter

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merits.

9. The Tribunal framed the following issues as arising for consideration before it:

> "(i) Whether the applicant has any enforceable right to seek appointment merely on the basis of having secured marks above the cut-off for uploading of e-dossier; and
>
> (ii) Whether the vacancies arising in the EWS category after the expiry of the select/waiting panel can be directed to be filled from the said panel."

10. The Tribunal, thereafter, proceeded to dismiss the petitioner's OA on the following reasoning:

> "10. It is an admitted position that the applicant secured 101.52 marks, whereas the last candidate provisionally nominated in the EWS category from the reserve panel secured 103.54 marks. Thus, on merits, the applicant falls below the last selected candidate.
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> *****
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> 12. The next issue pertains to the validity of the select/waiting panel. As per the policy governing the field, the waiting/reserve panel remains valid for a period of one year from the date of declaration of the result, i.e., till 01.08.2023. The said policy further categorically stipulates that any vacancy arising after expiry of the panel cannot be filled from the said panel. Since the validity of the select panel has come to an end on the afflux of time, therefore, there cannot be any order to appoint the persons from such panel in pursuance to the advertisement issued on 12.05.2021. Such panel cannot be a perennial source of appointment.
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> *****
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> 14. The vacancies on which the applicant seeks appointment admittedly arose subsequent to the cancellation of candidature of certain EWS candidates pursuant to the report of the High Powered Committee dated 05.02.2024. These events occurred after the expiry of the panel on 01.08.2023. In view of the explicit policy

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provisions, such vacancies cannot be filled from the expired panel.

15. The contention of the applicant that the respondents are taking advantage of their own wrong is also not sustainable. The cancellation of candidature of certain candidates was done in compliance with applicable guidelines and subsequent judicial directions. The mere fact that such cancellation led to creation of vacancies would not revive an expired panel or confer a right upon candidates lower in merit.

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18. In the present case, the respondents have demonstrated that:-

(i) the panel expired on 01.08.2023;

(ii) the supplementary nominations were made against dossiers returned within the validity period; and

(iii) the last selected candidate in EWS category had higher marks than the applicant."

11. Aggrieved by the decision of the Tribunal, the petitioner has approached this Court by means of the present writ petition.

12. We have heard Mr. Anuj Aggarwal, learned Counsel for the petitioner and Mr. Nitesh Kumar Singh, learned Counsel for the respondents.

13. Mr. Aggarwal submits that, after the cancellation of the candidature of five of the selected candidates, the Directorate of Education[5] had, on 16 April 2024, written to the DSSSB calling for additional dossiers as the vacancies were remaining unfilled. The user department, therefore, he submits, was willing to accommodate the petitioner. The DSSSB, therefore, erred in refusing to send the

[5] "DOE" hereinafter

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dossiers on the ground that life of the panel had expired. He places reliance on the judgment of this Court in ***DSSSB v. Sahil Lohchab***[6].

14. Mr. Singh, on the other hand, submits that, by the time the aforesaid five vacancies had arisen, the life of the panel had come to an end. He submits that it is settled, in law, that appointments cannot be made from a panel, much less from a waiting list, after the panel expires by efflux of time.

15. Mr. Singh submits that, therefore, there was no error in the view adopted by the Tribunal.

16. Having heard learned Counsel and applied ourselves to the issue, we are of the view that the petitioner is entitled to succeed.

17. We are persuaded, in so holding, by the fact that the petitioner has been prejudiced solely because of the failure, on the part of the DSSSB/DOE, to comply with the mandate, contained in the judgment dated 19 October 2022 of the Tribunal, in OA 2473/2022, to complete the exercise of verification of the candidatures and appointment of the meritorious candidates within a year from the publication of the result. It is obvious that, in fixing the outer limit as one year from the date of publication of the result, the Tribunal was alive to the fact that the panel would expire thereafter. The directive to complete verification of the candidatures of the candidates and make appointments within one year was, therefore, in order to ensure that an argument such as that which Mr. Singh advances before us, i.e., that the panel had

[6] 2025 SCC OnLine Del 7118

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expired by the date the vacancies arose and that, therefore, no appointments could be made against such vacancies, would not be available to the respondent.

18. Had the respondents acted in accordance with para 13 of the order dated 19 October 2022 passed by the Central Administrative Tribunal in OA 3857/2024, the entire exercise of verification of the certificates of the candidates in the select panel would have been over within the first four months and there would have been no question of the five vacancies which arose after the expiry of the panel life for one year arising at that stage. The fact that the five vacancies arose at that stage indicates that there were some defaults in compliance with direction (i) in para 13 of the order of the Tribunal.

19. If the orders of the Tribunal would have been followed, the entire exercise of transferring persons from the waiting list or the reserve panel to the main list, against ineligible candidates would have been over within one year and no argument to the effect that the life of the panel had expired would have been forthcoming.

20. It appears that the delay was occasioned owing to some miscommunication between DSSSB and the DOE or some want of due diligence on the part of the constituted by the DOE to verify the certificates of the concerned candidate.

21. In any event, the petitioners cannot be put to prejudice on that score.

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22. Mr. Aggarwal submits that 10 EWS vacancies pertaining to the said selection are still unfilled.

23. In the circumstances, we dispose of this writ petition with a direction that, if 10 EWS vacancies against the selection in question in the present litigation still remain unfilled, the petitioners' candidature would be considered against the said vacancies and if the petitioners are otherwise suitable, they would be given due appointment with all consequential reliefs, except back wages.

24. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 25, 2026
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