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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 27.07.2026

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CNR No. DLHC010287342026

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W.P.(C) 9008/2026**SATISH KUMAR**

.....Petitioner

Through:

Mr. T. Singhdev Sr. Adv. with Mr. Abhijit Chakravarty, Ms. Anshu Davar, Ms. Chandrika Singh, Ms. Bhanu Gulati, Mr. Anum Hussain, Mr. Saurabh Kumar, Mr. Tanishq Srivastava, Ms. Yamini Singh and Ms. Ramanpreet Kaur, Advs.

versus

**HIGH COURT OF DELHI THROUGH
THE REGISTRAR GENERAL**

.....Respondent

Through:

Ms. Aakanksha Kaul and Ms. Simran Khorana, Advs.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:-

- “1. To permit the Petitioner to appear in the Junior Judicial Assistant (Departmental) Examination 2026;*
- 2. Alternatively, to permit the Petitioner to appear provisionally in the Junior Judicial Assistant (Departmental) Examination 2026 subject to the present petition;*
- 3. Pass any such other order(s) that this Hon'ble Court*



deems just and proper in the facts and circumstances of the present petition.”

2. The case of the petitioner is with regard to computation of qualifying service for participation in the Junior Judicial Assistant/Restorer (Departmental) Examination, 2026 under the 25% test quota.
3. The petitioner is challenging the Memorandum dated 30.05.2026, whereby his request to count the service as a Court Attendant on deputation to the Establishment of this Court has been rejected. The petitioner is seeking permission to appear in the said examination, or to appear provisionally subject to the outcome of the present petition.
4. The facts as noted from the petition are that the petitioner was initially appointed as a Peon/Orderly in the Office of the Principal District and Sessions Judge (Headquarters), Delhi on 20.12.2017. By Order dated 16.11.2022, he was appointed on deputation to the Establishment of this Court as a Court Attendant from 14.11.2022 to 13.11.2023. The petitioner was absorbed as a 'Temporary Court Attendant' with effect from 01.06.2023 by an order dated 21.06.2023.
5. On 24.04.2026, the respondent issued Circular No. 41/EC2/Exams-NJ/DHC inviting applications from eligible officials against 92 vacancies of Junior Judicial Assistant/Restorer through the Departmental Competitive Examination.
6. The petitioner upon non-inclusion of the period served by him on deputation submitted a representation dated 25.04.2026 requesting that his continuous service in the cadre of Court Attendant be taken into account. Upon receiving no response, he submitted a reminder dated 18.05.2026. Both representations were rejected by the impugned Memorandum dated



30.05.2026.

7. It is the case of the petitioner and contended by Mr. T. Singhdev, Sr. Counsel that the principal issue for consideration is whether service rendered by petitioner on deputation in the same post/cadre should be computed. According to him, the establishment ought to have considered his previous service while computing qualifying service, when deputation itself is recognised as a mode of appointment under Rule 9 of the Delhi High Court Establishment (Appointment and Conditions of Service) Rules, 1972 ('the Rules', for short) and that the Rules contain no express stipulation excluding such service.

8. According to Mr. Singhdev, the service remained unchanged throughout and only the source of his appointment changed from deputation to absorption. The post/cadre, establishment, duties and continuity of service did not. The petitioner's absorption with effect from 01.06.2023 was not a fresh entry following a break in service, but was expressly made in continuation of the deputation order. The rules regarding treatment of the deputation period cannot be construed as an implied prohibition against counting it. It is also his case that, once deputation is recognised as a lawful mode of appointment, the eligibility provisions must receive a fair and purposive construction that gives due credit to continuous service rendered in the same cadre.

9. In support of the said submission, he relied upon the following judgments that, service rendered on deputation on an equivalent post cannot be ignored where the governing rules do not expressly mandate such exclusion: -

i. ***Union of India and Another v. Pankaj Agnihotri and Others.***



W.P.(C) No. 3845/2010;

- ii. ***National Highways Authority of India v. Sanjeev Kumar Sharma and Others, W.P.(C) No. 9227/2014;***
- iii. ***Neetu Bhagat v. All India Council for Technical Education. W.P.(C) No. 8172/2023; and***
- iv. ***S.I. Rooplal v. Lt. Governor through Chief Secretary, Civil Appeal Nos. 5363-64 of 1997.***

10. According to Mr. Singhdev, the impugned Memorandum is unsustainable as it neither disclose any provision under which the deputation period has been excluded nor does it address the petitioner's continuous service; the effect of his absorption order, or the specific grounds raised in his representations. A bare recital that the representations have been considered and rejected does not demonstrate a fair or meaningful consideration of the petitioner's claim and renders the decision arbitrary. The exclusion of the petitioner's deputation service, despite uninterrupted performance of identical duties in the same cadre is contrary to Articles 14 and 16 of the Constitution of India.

11. According to Mr. Singhdev, he does not seek appointment or promotion as a matter of right; he seeks only a fair opportunity to compete in the departmental examination on the basis of his complete and continuous service record. No prejudice would be caused to the respondent if the petitioner is allowed to appear provisionally, since his result and any further consequential benefit can remain subject to the final outcome of these proceedings.

12. During the course of hearing Mr. Singhdev has handed over a compilation of the following judgments: -



- i. ***rites Ltd. and Others v. Vijai Kishore, 2025 SCC OnLine Del 529.***
- ii. ***K. Madhavan and Ors. v. Union of India & Ors., (1987) 4 SCC 566.***
- iii. ***R.S. Makashi & Ors. v. I.M. Menon and Ors., (1982) 1 Supreme Court Cases 379.***
- iv. ***K. Anjaiah v. K. Chandraiah, 1998 3 SCC 218.***
- v. ***M. Ramchandran v. Govind Ballabh and Ors., 1999 8 SCC 592.***
- vi. ***J. Kumar v. Union of India and Ors., (1982) 2 Supreme Court Cases 116.***
- vii. ***Attar Singh Kaushik v. Secretary/Commissioner, Transport Department and another, (2008) 1 Supreme Court Cases 400.***

13. He seeks the prayers as made in the petition.

14. Ms. Aakanksha Kaul, learned counsel for the respondent submits that the service of the petitioner on the Establishment is falling short by eight days on the cut off date for determining eligibility for the said post. The Committee for Appointment of Officials (Delhi High Court), has rightly rejected the representation of the petitioner.

ANALYSIS

15. Having heard the learned counsel for the parties, the short issue which arises for consideration is whether the period of deputation of the petitioner as a Court Attendant be counted for the purpose of eligibility to appear for Junior Judicial Assistant/Restorer (Departmental) Examination, 2026 for



which the cut-off date for determining the eligibility was 23.05.2026.

16. There is no dispute that the petitioner working as Peon/Orderly in the District Court and had come on deputation as Court Attendant and later absorbed as such.

17. Before answering the said question, it is necessary to deal with the judgments relied upon by Mr. T. Singhdev learned Senior Counsel for the petitioner in support of the submissions to count such a period for the purpose of eligibility to the post of Junior Judicial Assistant.

18. In the case of **Pankaj Agnihotri and Others, (supra)**, this Court has in paragraph 34 of the judgment has stated as under:

“34. From the afore-noted decisions, the legal principle which can be deduced is: (i) where one of the sources of appointment to a post in a cadre is deputation, service rendered by a deputationist on an equivalent post in his parent department shall be taken into consideration while computing his period of service in the deputed post for the purposes of determination of his seniority and eligibility for promotion in the transferred department; (ii) in cases where deputation is not the source of appointment in a cadre under the recruitment rules and a deputationist is absorbed in the transferred department by the government in exercise of its residuary powers, whether service rendered by a deputationist in his parent department shall be taken into consideration while computing his period of service in deputed post for the purposes of determination of his seniority and eligibility for promotion in transferred department would be dependent upon terms and conditions of deputation or absorption of deputationists in transferred department.”

19. This Court has also said that, in cases where deputation is not a source of appointment under the Recruitment Rules and the deputationist is absorbed in the transferred department by the Government in exercise of its



residuary power, whether such a service rendered by the deputationist in his parent department shall be taken into consideration for purpose of the determination of eligibility for promotion to be dependent upon terms and condition of deputation or absorption of the deputationist in the transfer department.

20. It may be stated here that the rules governing the appointment to the post of Court Attendant, is in the following manner:

9.	Appointment to Library Attendant, Usher, Photocopy Machine Operator Grade-II, Court Attendant, Court Attendant (L), Court Attendant (S), Room Attendant (H), and Security Attendant	Appointment to the posts specified in column-2 and mentioned in Schedule-1 (A) shall be made by the Registrar General unless the Chief Justice Otherwise Directs. Appointment to the aforesaid posts may be made by one or more of the following methods, namely:- - By promotion of a person already employed in the Court. By transfer or deputation of a person serving outside the Court in Connection with the affairs of a State or the Union or the Govt. of N.C.T of Delhi or Office of District & Sessions Judge, Delhi or Delhi Judicial Academy. - By direct Recruitment.
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21. The aforesaid would also reveal that a person can be appointed as a Court attendant by transfer or on deputation. The said stipulation does not prescribe that a person who has come on transfer or on deputation can be absorbed. Suffice to state, the petitioner was absorbed. We are not concerned with the issue whether he could have been absorbed.

22. The only issue is whether the period of service put in by him as Court attendant could be counted for the purpose of eligibility for the next higher



post of Junior Judicial Assistant. We have not been shown the terms on which the petitioner was brought on deputation. It appears that no terms of deputation were given to the petitioner when he was brought on deputation except the said order reads as under:

“Hon’ble the Chief Justice has been pleased to appoint the following Peon/Orderly of the Office of the Principal, District & Sessions Judge (HQs), Delhi, Presently working in this Court in diverted capacity, as Court Attendant in Level-3 of Pay Matrix (as per Seventh Central Pay Commission) on deputation basis, initially for a period of one year, as mentioned against his name, on the usual terms and conditions of deputation and also subject to the condition that he can be repatriated to his parent office during this period”

23. Even the order of absorption is an order simpliciter stating that the petitioner has been absorbed as ‘Temporary Court Attendant’ with effect from 01.06.2023. In that sense, the issue is still whether the deputation service can be counted for eligibility. We are afraid, such a benefit in these facts cannot be given; firstly, for the reason that the Recruitment Rules does not prescribe absorption as a mode of recruitment; secondly the petitioner came on deputation on 14.11.2022 while working as a Peon/Orderly and not as Court Attendant.

24. It is the members of the Establishment of the Delhi High Court who are eligible for promotion. If that be so, meaningfully read, it is the service put in by a Court Attendant in the Establishment of the Delhi High Court which requires to be counted and not service on deputation when he is not on the establishment of the Delhi High Court. Hence, the judgment referred to by Mr. Singhdev shall not help the case of the petitioner.

25. Insofar as, the judgment in the case of **Neetu Bhagat (supra)** is



concerned, the same is in respect of Officer working as an Assistant Director in National Institute of Agriculture Marketing. She was appointed on deputation basis with the respondent, All India Council for Technical Education on 31.05.2016. By an order dated 04.12.2020, the petitioner was absorbed on the post of Deputy Director with effect from 21.12.2020. The petitioner applied for promotion to the post of Director and accordingly made the representation in that regard. The representation was rejected.

26. The Central Administrative Tribunal before whom the petitioner had approached dismissed the OA by placing reliance on DoPT OM dated 27.03.2001, wherein it was held that when the petitioner was absorbed on the post of Deputy Director with the respondent, for the purpose of seniority, it is the date of absorption that shall be material and that she shall not be entitled to claim any retrospective seniority.

27. This Court held that the Recruitment Rules provided 33.33% of posts for the appointment to the post of Deputy Director i.e., two posts by promotion failing which by deputation and 66.67% i.e., four posts to be filled by direct recruitment. Therefore, deputation is a regular mode of appointment to the post of Deputy Director and as such this Court had allowed the writ petition and directed the counting of service as Deputy Director to the post of Director. However, the Court did not allow the petitioner therein to claim retrospective seniority on the post of Deputy Director.

28. Suffice to state, it appears, that the petitioner therein was absorbed, as the rules therein contemplated so, and hence, the judgment is clearly distinguishable.

29. Insofar as, the judgment in the case of **RITES (supra)** is concerned,



the petitioner therein was working in Selection Grade in his parent department of MES. The petitioner was sent to RITES from his parent department. In the year 2010, the petitioner was absorbed. The question before the Court was whether the three years of deputation period and two years after absorption would be counted for eligibility for promotion. The Recruitment Rules therein for the post of Group General Manager (GGM) was minimum 5 years as General Manager and/or SAG as a regular incumbent. The issue was whether the period of three years deputation undergone by the respondent as General Manager prior to absorption could be regarded as regular. In the said case, the Court in paragraph 13.4 stated as under:

“13.4 The order dated 21 June 2007, whereby the respondent was appointed as GM, does not use the expression “temporary”, “officiating”, or “ad hoc” or any expression analogous thereto.”

30. Hence, the above shows, and as a fact the Court held that, a person who is appointed in accordance with rule, his appointment is regular. It is not such a case have as the appointment/absorption is not in accordance with the rules as the rules does not prescribe absorption. Hence, the case and judgment relied by the petitioner is distinguishable, and has no applicability to the facts herein.

31. In the case of ***Sub Inspector Rooplal and Anr. (supra)***, the appellants were Sub Inspectors of BSF who went on deputation went to Delhi Police as Sub Inspectors (Executive). Later, they were absorbed in the Delhi Police in the same capacity. While fixing their seniority in the Delhi Police, their Service as SI's in BSF was not taken into consideration on the ground that pay scale of Sub Inspectors in BSF was not equivalent to pay scale in Delhi



Police. The Supreme Court while dealing with the issue has in paragraph 17 held as under:

“17. In law, it is necessary that if the previous service of a transferred official is to be counted for seniority in the transferred post then the two posts should be equivalent. One of the objections raised by the respondents in this case as well as in the earlier case of Antony Mathew is that the post of Sub-Inspector in BSF is not equivalent to the post of Sub-Inspector (Executive) in the Delhi Police. This argument is solely based on the fact that the pay scales of the two posts are not equal. Though the original Bench of the Tribunal rejected this argument of the respondent, which was confirmed at the stage of SLP by this Court, this argument found favour with the subsequent Bench of the same Tribunal whose order is in appeal before us in these cases. Hence, we will proceed to deal with this argument now. Equivalency of two posts is not judged by the sole fact of equal pay. While determining the equation of two posts many factors other than “pay” will have to be taken into consideration, like the nature of duties, responsibilities, minimum qualification etc. It is so held by this Court as far back as in the year 1968 in the case of Union of India v. P.K. Roy [AIR 1968 SC 850 : (1968) 2 SCR 186] . In the said judgment, this Court accepted the factors laid down by the Committee of Chief Secretaries which was constituted for settling the disputes regarding equation of posts arising out of the States Reorganisation Act, 1956. These four factors are: (i) the nature and duties of a post; (ii) the responsibilities and powers exercised by the officer holding a post, the extent of territorial or other charge held or responsibilities discharged; (iii) the minimum qualifications, if any, prescribed for recruitment to the post; and (iv) the salary of the post. It is seen that the salary of a post for the purpose of finding out the equivalency of posts is the last of the criteria. If the earlier three criteria mentioned above are fulfilled then the fact that the salaries of the two posts are different would not in any way make the post “not equivalent”. In the instant



case, it is not the case of the respondents that the first three criteria mentioned hereinabove are in any manner different between the two posts concerned. Therefore, it should be held that the view taken by the Tribunal in the impugned order that the two posts of Sub-Inspector in BSF and Sub-Inspector (Executive) in the Delhi Police are not equivalent merely on the ground that the two posts did not carry the same pay scale, is necessarily to be rejected. We are further supported in this view of ours by another judgment of this Court in the case of Vice-Chancellor, L.N. Mithila University v. Dayanand Jha [(1986) 3 SCC 7 : 1986 SCC (L&S) 378 : (1986) 1 ATC 42] wherein at SCC para 8 of the judgment, this Court held: (SCC pp. 10 & 11)

“Learned counsel for the respondent is therefore right in contending that equivalence of the pay scale is not the only factor in judging whether the post of Principal and that of Reader are equivalent posts. We are inclined to agree with him that the real criterion to adopt is whether they could be regarded of equal status and responsibility. ... The true criterion for equivalence is the status and the nature and responsibility of the duties attached to the two posts.””

32. The judgment has no applicability to the facts of this case and as such, the issue was of seniority in Delhi Police and not counting of service for the purpose of eligibility.

33. Insofar as in the case of **Sanjeev Kumar Sharma and Ors. (supra)** is concerned, the issue was when private respondents were being considered for promotion to the post of Deputy General Manager (Technical), the applicants who were declared ineligible on the ground that their experience on the post of Manager (Technical) would be counted from the date of absorption and not from the date of appointment on deputation in the NHAI, the Court held that the recruitment regulations does not specify the period spent on deputation shall be treated as regular service or otherwise. The



Court also while interpreting the expression ‘regular service’ has in paragraph 19 held as under:

“19. We accordingly direct the petitioner to formulate a seniority list for the post of Manager (Technical) as well as the Deputy General Manager (Technical). We have issued directions for formulation of a seniority list for the post of Deputy General Manager (Technical) for the reason that many of the applicants as well as private respondents have been promoted to the said post. We hope and expect that a seniority list for the aforesaid posts will be prepared within a period of six weeks from the date a copy of this order is received.”

34. On a perusal of the above paragraph, it is clear the said judgment does not help the case of the petitioner.

35. Insofar as the case of **K. Madhavan (supra)** is concerned, the Supreme Court has in paragraph 21 held as under:

“21. We may examine the question from a different point of view. There is not much difference between deputation and transfer. Indeed, when a deputationist is permanently absorbed in the CBI, he is under the rules appointed on transfer. In other words, deputation may be regarded as a transfer from one government department to another. It will be against all rules of service jurisprudence, if a government servant holding a particular post is transferred to the same or an equivalent post in another government department, the period of his service in the post before his transfer is not taken into consideration in computing his seniority in the transferred post. The transfer cannot wipe out his length of service in the post from which he has been transferred. It has been observed by this Court that it is a just and wholesome principle commonly applied where persons from different sources are drafted to serve in a new service that their pre-existing total length of service in the parent department should be respected and presented by taking the same into account in determining their ranking in the new service



cadre.”

(emphasis supplied)

36. A perusal of the above paragraph would make it clear that the transfer or deputation shall be to the same or equivalent post in another government department. Whereas, in the case in hand, the petitioner was working as Orderly/Peon was deputed as Court Attendant. In that sense, it was not an equivalent post. In any case, in view of our finding above, this judgment has no applicability.

37. In **R. S. Makashi and Ors. (supra)**, the Supreme Court in paragraph 34 has held as under:

“34. When personnel drawn from different sources are being absorbed and integrated in a new department, it is primarily for the Government or the executive authority concerned to decide as a matter of policy how the equation of posts should be effected. The courts will not interfere with such a decision unless it is shown to be arbitrary, unreasonable or unfair, and if no manifest unfairness or unreasonableness is made out, the court will not sit in appeal and examine the propriety or wisdom of the principle of equation of posts adopted by the Government. In the instant case, we have already indicated our opinion that in equating the post of Supply Inspector in the CFD with that of Clerk with two years' regular service in other government departments, no arbitrary or unreasonable treatment was involved.”

(emphasis supplied)

38. Insofar as **K. Anjaiah (supra)** is concerned, the same is not applicable to the facts of this case. Insofar as **K. Ramachandran (supra)** is concerned, the Supreme Court has in paragraph 11 has held that the period of holding of equivalent post in the parent department would be the relevant period to be taken note of for the purpose of determining the seniority under Rule 5(2)



and its provisos. The said judgment does not help the case of the petitioner.

39. Insofar as **J. Kumar (supra)** is concerned, the said judgment has no factual applicability to the case in hand. In so far as the case of **Attar Singh Kaushik (supra)** is concerned, the issue is related to *inter se* seniority of the people who are absorbed. The Court held that it is axiomatic that those who were senior in the parent department in the equivalent post should continue to be senior on the deputed post unless there exists a statutory rule to the contrary. The judgment has no applicability.

40. In view of our above discussion the question, whether the period of deputation of the petitioner as a Court Attendant be counted for the purpose of eligibility to appear for Junior Judicial Assistant/Restorer (Departmental) Examination, 2026 is answered against the petitioner and the present petition being devoid of any merits is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 27, 2026

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