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

- + W.P.(C) 2814/2024 & CM APPL. 11552/2024 –Stay
- + W.P.(C) 15889/2023 & CM APPL. 63922/2023 -Stay
- + W.P.(C) 15912/2023 & CM APPL. 64087/2023 -Stay
- + W.P.(C) 15953/2023 & CM APPL. 64230/2023 -Stay
- + W.P.(C) 16440/2023 & CM APPL. 66231/2023 -Stay
- + W.P.(C) 16552/2023 & CM APPL. 66745/2023 –Stay

GOVT OF NCT OF DELHI AND ANR

GOVT OF NCT OF DELHI AND ORS.Petitioners

Through: Ms.Latika Choudhary, Adv.

versus

RISHIKESH SHARMA

ANJU BALA

MOHIT RATHEE AND ORS.

ANJU AND ORS

UPMA

LAKHAN KUMAR OJHA

.....Respondents

Through: Mr.Vibhakar Mishra with Mr.Utkarsh
Mishra, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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19.07.2024

1. The present petitions have been filed by the petitioners assailing the order dated 08.08.2023 passed by the learned Central Administrative Tribunal(the Tribunal) in a batch of Original Applications(O.A) including O.A.1524/2022. Vide the impugned order, the learned Tribunal has allowed the OAs filed by the respondents by holding that the rejection of their candidature for the post of TGT (Natural



Science)/TGT (Social Science) as EWS candidates by the petitioners was illegal and, therefore, liable to be quashed. The petitioners were, accordingly, directed to re-examine and reconsider the cases of the petitioners afresh by treating them as EWS candidates. It was further directed that, in case, the petitioners were found to be fulfilling other eligibility conditions as per the Recruitment Rules, they be appointed as TGT(Natural Science)/TGT (Social Science) with notional seniority and pay fixation, but without any backwages.

2. On 22.05.2024, this Court after hearing both sides at length and examining the decisions relied upon by them, opined that the learned Tribunal was justified in directing the petitioners to consider the candidature of the respondents on merits. The matters were, however, adjourned to enable learned counsel for the petitioners to obtain instructions as to whether vacancies of TGT (Natural Science) and TGT (Social Science) were available to accommodate the 13 respondents i.e. 09 as TGT(Natural Science) and 04 as TGT(Social Science).
3. Today, learned counsel for the petitioners submits that out of the vacancies advertised in 2021, only one unfilled vacancy of TGT(Natural Science) is now available.
4. On the other hand, learned counsel for the respondents submits that as on date there are 378 vacancies of TGT(Natural Science) and 264 vacancies of TGT(Social Science). He hands over a copy of the current vacancy statement of TGT (Natural Science) and TGT (Social Science) as available on the website of the Education Department, NCT of Delhi, which is taken on record.



5. Having perused the vacancy statements produced by the respondents, we find that a large number of posts of TGT (Natural Science) and TGT (Social Science) are currently lying vacant.
6. In the light of the aforesaid, we reject the petitioner's plea that there are no vacancies against which the respondents can be accommodated. We, accordingly, dismiss the writ petitions and direct the petitioners to carry out the exercise in terms of the Tribunal's impugned order within a period of six weeks from today.
7. The writ petitions along with pending applications stand dismissed in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

JULY 19, 2024

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