



2024:DHC:8440-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 971/2020 and CM APPLs. 3136/2020 & 24951/2022**
GOVT. OF NCT DELHI AND ANR.Petitioner

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

versus

DINESH AND ORS.Respondents
Through: Mr. Abhishek Chauhan, Mr.
Ajit Kumar Ekka and Mr. R.S.M. Kalky,
Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT (ORAL)

% **22.10.2024**

C. HARI SHANKAR, J.

1. The issue in controversy in this writ petition is fully covered by the judgment of this bench in ***DSSSB v Dinesh Mahawar***¹.

2. The respondents are Scheduled Caste² candidates, who applied for recruitment Teacher (Primary) in the Municipal Corporation of Delhi³, pursuant to advertisement 02/2008. The castes to which they belong are, however, certified as Scheduled Castes outside Delhi. The

¹ 2024 SCC OnLine Del 7057 (DB)

² SC

³ MCD



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respondents sought to avail the benefit of SC reservation while seeking recruitment as Teacher (Primary) in the MCD. As they were registered as SCs outside Delhi, the respondents were not considered for recruitment against the reserve SC vacancies. As they could not meet the merit for the General category candidates, they were not selected.

3. The respondents approached the Central Administrative Tribunal⁴ by way of individual Original Applications⁵. The OAs were disposed of, by the learned Tribunal, by order dated 6 November 2013, directing the petitioner DSSSB to consider the case of the respondents and take a recent decision thereon. By orders dated 21 January 2013 and 19 May 2040, the DSSSB rejected the respondents claims.

4. The respondents, therefore, be approached the learned Tribunal by way of OA 913/2016, which stands allowed by the learned Tribunal by the impugned judgement dated 30 July 2019. Aggrieved thereby, the DSSSB has approached this Court, under Article 226 of the Constitution of India.

5. In allowing the respondents' OA, the learned Tribunal followed the judgment of the Supreme Court in *Bir Singh v Delhi Jal Board*⁶, specifically reproducing in the following para from the said decision:

“61. Accordingly, we answer the question referred to in terms of

⁴ "the learned Tribunal"

⁵ OAs

⁶ (2018) 10 SCC 312

W.P.(C) 971/2020



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the views expressed in 34 of his opinion. We further hold that so far as the National Capital Territory of Delhi is concerned the pan India Reservation Rule in force is on record with the constitutional scheme relating to services under the Union and the States/Union Territories.”

6. Besides, the issue is also covered by two other Division Bench judgment of this Court in *Deepak Kumar v District & Sessions Judge*⁷ and *DSSSB v Vishnu Kumar Badetia*⁸. Following these decisions, we have, in our judgment in *Dinesh Mahawar*, dismissed the writ petition filed by the DSSSB in a case identical to the present.

7. Following the judgment of this Bench in *DSSSB v Dinesh Mahawar*, this writ petition is also, therefore, dismissed.

C. HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 22, 2024/yg

Click here to check corrigendum, if any

⁷ 2012 SCC OnLine Del 4794

⁸ 2024 SCC OnLine Del 6371