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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 489/2024, CM APPL. 34793/2024 –Addl. Doc. & CM APPL.
34794/2024 –Stay.

SAPNA MEENA & ORS.

..... Appellant

Through: Dr. Manish Singhvi, Sr. Adv. with
Mr. Mrinal Gopal Elker, Adv.

versus

UNION OF INDIA & ANR.

..... Respondent

Through: Mr. Hemant Kumar Yadav, SPC, Mr.
Kapil Dev Yadav, GP, for UOI/R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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31.05.2024

CM APPL. 34795/2024 –Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 489/2024

3. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 15.05.2024 passed by the learned Single Judge in CM APPL. 29153/2024 in WP(C) 2824/2024. Vide the impugned order, the learned Single Judge has rejected the appellants' prayer to either issue them joining letters or reserve 60 posts of TGT/PGT for all the appellants pursuant to the selection process conducted as per the advertisement issued in June-July 2023.
4. Learned senior counsel for the appellant submits that the impugned



order is wholly perverse as the learned Single Judge has overlooked the fact that as per the clarification issued by the respondents themselves, the eligibility criteria had to be considered based on the extended last date for submission of applications and not on the original date of 31.07.2023 as before. He further submits that all the appellants herein had qualified in the requisite examination by the extended date for submission of applications i.e., 19.10.2023 and therefore they were deemed eligible and were also permitted to appear in the selection process where they have emerged as successful. Consequently, they could not be denied appointment at this stage on the purported ground that they were required to possess the prescribed qualification by 31.07.2023 i.e., the initial date fixed for submission of applications.

5. Issue notice. Learned counsel for the respondent no.1 accepts notice and submits that the learned Single Judge has already examined this aspect raised by the appellants and while doing so, found no ground to reserve posts for the appellants. He further submits that in any event the appeal is premature as the matter is yet to be considered by the learned Single Judge at length.
6. Having considered the submissions of learned counsel for the parties and perused the record, specially taking into account that the respondents themselves permitted the appellants to appear in the selection process, we are of the view that grave prejudice will be caused to the appellants, if their interest is not protected. We, therefore, dispose of the present appeal alongwith all pending applications by directing the respondents to either keep sufficient



number of posts unfilled to accommodate all the 60 appellants before us till the final disposal of their W.P.(C) 2824/2024 pending before the learned Single Judge or alternatively include a condition in the appointment letter of an equal number of candidates informing them that their appointment would be subject to the outcome of the writ petition. This information will be specifically communicated to the sixty candidates whose appointment will be made subject to the outcome of the writ petition being W.P.(C) 2824/2024.

7. The present LPA is disposed of with the aforesaid directions.
8. List before the learned Single Judge on the date already fixed.
9. Needless to state, this Court has not expressed any opinion on the merits of the claims of the appellants which will be duly adjudicated by the learned Single Judge as per law.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 31, 2024
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