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

+ **W.P.(C) 12315/2024**

SUSHMA KUMARI AND ANR

.....Petitioners

Through: Mr. Ajay Garg, Ms. Tripti Gola, Mr. Uday Garg, Mr. Ganesh Ojha, Ms. Surbhi Soni & Mr. Arvind Sardana, Advocates.

versus

SASHASTRA SEEMA BAL AND ANR

.....Respondents

Through: Mr. Gaurav Sharma, Sr. Panel counsel, Mr. Kamaldeep, Ms. Swati Goyal, Mr. Harish Kumar, Ms. Rohini Gupta, Mr. Kuldeep Singh, Advocates for R-1 & 2
Mr. Prabhakar, Law Officer and Ins. Janak Raj.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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04.09.2024

CM APPL. 51217/2024

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

W.P.(C) 12315/2024 & CM APPL. 51218/2024 (interim directions)

3. The petitioners, who had participated in the selection process for appointment to the post of Sub Inspector (Communication) in the Sashastra Seema Bal (SSB), have approached this Court seeking the following reliefs:-



*“a. direct the respondents to maintain the reserve panel/ waiting list of the candidates in the recruitment to the post of Sub-Inspector (Communication) in SSB/respondent No.1 in the recruitment conducted vide advertisement dated 09.05.2023; and
b. direct the respondents to appoint the petitioners against the unfilled seats/vacancies which are lying vacant due to non-joining, cancellation, non-appointment, abandonment etc. of the selected candidates to the said post of Sub-Inspector (Communication) in SSB with all consequential benefits; and
c. pass any other orders or directions as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice”*

4. By drawing our attention to the advertisement dated 09.05.2023, learned counsel for the petitioners submits that the respondents had invited applications for filling up 59 vacancies of Sub Inspector (Communication) which included 34 unreserved vacancies but many of these vacancies remained unfilled as while declaring the final result of the selection process on 04.06.2024, no list of waitlisted candidates was released. As a result thereof, despite some of the selected candidates having not joined the service within the stipulated time, the petitioners, who had obtained same marks as the cut off marks, are not able to secure appointment.

5. By placing reliance on a decision dated 23.08.2022 of a Co-ordinate Bench in W.P.(C) 6394/2022 titled as **Ashish & Ors. V. Sashastra Seema Bal & Anr**, he submits that the respondents be directed to take expeditious steps to fill up the vacancies which have remained unfilled due to non-acceptance of offer of appointment or cancellation of appointment of candidates in the select list.

6. Issue notice.

7. Learned counsel for the respondents accepts notice and submits that



the decision of this Court in W.P.(C) No. 3408/2019 titled as ***Ravi Raj & Ors. vs. Union of India & Anr.*** decided on 02.05.2022 wherein this Court had directed the Staff Selection Commission [SSC] to prepare a reserve panel/wait list of candidates, has been already assailed before the Apex Court by way of S.L.P.(C) Diary No. 41522/2022, wherein this Court's decision dated 02.05.2022 has been stayed. He, therefore, prays that the writ petition be dismissed or adjourned to await the outcome of the decision of the Apex Court in ***Ravi Raj (supra)***.

8. Having considered the submissions of learned counsel for the parties and perused the decisions in ***Ashish & Ors. (supra)*** and ***Ravi Raj (supra)***, we find that the decision in ***Ashish (supra)*** pertained to the very same Central Armed Police Force i.e. SSB in which the petitioners are seeking appointment. Further, like in the present case in ***Ashish (supra)*** the Court was dealing with an advertisement issued by the SSB itself, unlike in ***Ravi Raj (supra)*** where the selection process was being conducted by the SSC and, therefore, pertained to appointment in a number of different organizations.

9. We are, therefore, of the view that the reliance by the respondents to the decision in ***Ravi Raj (supra)*** is misplaced, as the issue arising for consideration of the Court in the said case was regarding the difficulties being faced by the SSC to prepare a waiting list/ reserve panel in a situation where a number of different organizations were involved. Further, we find that the respondents do not deny the decision in ***Ashish (supra)*** where identical directions as sought in the present case were issued, has already been implemented by the SSB on 17.02.2023.

10. In the light of the aforesaid, we allow the writ petition by directing the



respondents to prepare within four weeks a wait list for appointment to the post of SI (Communication) for the vacancies as advertised on 09.05.2023. However, this wait list would be operated only after expiry of the period granted to the selected candidates to join service.

11. In case the petitioners are found to be eligible for appointment as per their merit in the wait list, the respondents will grant them appointment as per law. It is, however, made clear that the petitioners will not be granted any retrospective seniority and will be eligible for all benefits only from the date they are actually appointed.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 4, 2024
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