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

+ W.P.(C) 9540/2023

DR. HIMANSHU DADLANI

.....Petitioner

versus

MAULANA AZAD INSTITUTE
OF DENTAL SCIENCES & ORS.

.....Respondents

+ W.P.(C) 3527/2024

DR JITENDER DABAS AND ORS

.....Petitioners

versus

MAULANA AZAD INSTITUTE
OF DENTAL SCIENCES & ORS.

.....Respondents

Appearances:

Mr. Shilp Vinod, Advocate for petitioner in item No. 67.

Mr. Naresh Kaushik, Sr. Adv. with Ms. Manya H., Mr. Anand Singh, Mr. Saurabh Guha, Advocates for petitioner in item No. 68.

Mrs. Avnish Ahlawat, SC with Mr. Nitish Kumar Singh, Ms. Aliza Alam, Mr. Amitoj Chadha, Advocates for respondents.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.07.2025**

CM APPL. 39474/2025 (for disposal of the writ petition) in W.P.(C)

9540/2023

CM APPL. 39481/2025 (for disposal of the writ petition) in W.P.(C)

3527/2024

1. Both these writ petitions concern an advertisement issued by respondent No. 1 – Maulana Azad Institute of Dental Sciences [“the Institute”] dated 22.12.2021, for recruitment to the posts of Assistant Professors in various disciplines. The captioned applications have been



filed by the Institute for disposal of the petitions on the basis of a decision taken by its Governing Council on 16.04.2025.

2. Several writ petitions were filed with regard to the aforesaid recruitment, including W.P.(C) 869/2022, W.P.(C) 9540/2023, and W.P.(C) 3527/2024.

3. In W.P.(C) 869/2022 and W.P.(C) 9540/2023, the advertisement was challenged on the ground that reservation had not been provided. The writ petitioners in W.P.(C) 869/2022 relied upon the mandate of reservation prescribed under the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 ["the 2019 Act"]. In W.P.(C) 9540/2023, the case of the writ petitioner was that, horizontal reservation for Persons with Benchmark Disability ["PwBD"] must be provided, in terms of the prevailing statutory regime and office memorandums issued by the Department of Personnel and Training.

4. W.P.(C) 3527/2024 has been filed by candidates who had qualified in the written examination under the advertisement dated 22.12.2021. They seek conclusion of the process under the said advertisement.

5. I am informed by Ms. Tamali Wad, learned Senior Counsel, that another writ petition [W.P.(C) 7648/2023] is also pending before this Court, regarding the same recruitment process, and an application, similar to the applications filed by the Institute in the captioned writ petitions, has been served upon learned counsel for the petitioner in the said writ petition also.

6. On 02.07.2025, an application for disposal of W.P.(C) 869/2022 [CM APPL. 37577/2025] filed by the Institute was considered. The position taken in the said application, as is in the applications listed today



is that, the governing body of the Institute has come to the conclusion that the 2019 Act is indeed applicable, and that the Institute intends to commence a fresh process of selection in conformity with the provisions of the 2019 Act. In these circumstances, W.P.(C) 869/2022 was disposed of with the following observations:

“4. Ms. Avnish Ahlawat, learned Standing Counsel for respondent No. 1 – Institute, confirms upon instructions that the Institute does not proposes to proceed with the impugned recruitment process pursuant to the advertisement dated 22.12.2021 and will instead initiate fresh recruitment in compliance with the 2019 Act.

5. In view of the above, the grievances of the petitioners stand satisfied.

6. However, Mr. Anand Nandan, learned counsel for the petitioners, raises an apprehension that ad-hoc appointments which have already been made in the Institute and further ad-hoc appointments may be made during the pendency of the proposed recruitment process.

7. As far as this aspect is concerned, Ms. Ahlawat states that the ad-hoc appointments may be made in order to ensure that activities of the Institute continue, including by availability of teaching faculty. However, she assures the Court that the proposed recruitment process will be completed expeditiously and in any event, not later than nine months from today. Further, any ad-hoc appointments will be subject to the outcome of the regular recruitment process.

8. Mr. Nandan is also agreeable to disposal of the writ petition on this basis.

9. In light of the above, the writ petition is disposed of with the above observations, and binding the Institute to the submissions recorded hereinabove.”

7. As far as W.P.(C) 9540/2023 is concerned, the petitioner therein had also challenged the recruitment process pursuant to the advertisement dated 22.12.2021. The only difference being that the reservation claimed in W.P.(C) 9540/2023 is under the Rights of Persons with Disabilities Act, 2016, and not under the 2019 Act. As the Institute intends not to proceed with the recruitment process under the impugned advertisement,



the said writ petition has been rendered infructuous. It is directed that the question of reservation for PwBD be considered by the Institute while formulating the new recruitment process, and if the petitioner remains aggrieved, he will be at liberty to take appropriate remedies.

8. Mr. Naresh Kaushik, learned Senior Counsel for the petitioners in W.P.(C) 3527/2024, however, submits that the position in the said writ petition is different, inasmuch as the petitioners seek conclusion of the recruitment process under the advertisement dated 22.12.2021. It is Mr. Kaushik's contention that the 2019 Act does not apply to the Institute at all. Mr. Kaushik raises a grievance that the Institute first took a categorical position that the 2019 Act does not apply, but has since reversed its contention. To this extent, he submits that the decision now taken by the Institute, prejudices the petitioners who have already qualified in the written test.

9. As far as this aspect is concerned, it is the settled legal position that participation in a recruitment process does not confer any right of appointment upon a candidate, and the employer is free to take a decision to abandon the process altogether, or not to fill the vacancies at all. The petitioners in W.P.(C) 3527/2024 are candidates who have qualified in the written examination, but no further steps have yet been taken. As they do not have any crystallised right to appointment, I am of the view that their interests can best be preserved by clarifying that this Court has not adjudicated upon the applicability of the 2019 Act to the Institute. These writ petitions are being disposed of, only on the basis of the Institute's own submission that it wishes to commence a fresh process of recruitment. If the petitioners herein are aggrieved by any aspect of the



fresh recruitment process, they will be at liberty to invoke appropriate remedies in that regard.

10. Mrs. Avnish Ahlawat, learned Standing Counsel for the Institute, assures the Court that while formulating the terms of the proposed recruitment, the Institute will apply its mind to all applicable legal provisions dealing with reservation. It will also consider whether any age relaxation is permissible or appropriate, having regard to the fact that the impugned recruitment process has been considerably delayed due to the present litigations. In this context, Mr. Kaushik refers to the decision of the Supreme Court in *Amrit Yadav v. State of Jharkhand and Ors.* [2025 SCC OnLine SC 280].

11. The writ petitions, alongwith all pending applications, are disposed of with the above observations.

12. Next date of hearing, i.e. 21.11.2025, stands cancelled.

PRATEEK JALAN, J

JULY 9, 2025/‘Bhupi’/AD/KA/