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

+ **W.P.(C) 4890/2023 & CM APPL. 18883/2023**

PARMOD YADAV

.....Petitioner

Through: Mr. Sumit Madan and Mr. Rajnish
Kumar, Advocates.

versus

SATYAWATI COLLEGE (EVENING) & ANR.Respondents

Through: Mr. Abhishek Sharma, Advocate
for R-1.

Mr. Ankur Chhibber and Mr.
Nikunj Arora, Advocates for R-
2/University of Delhi.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.07.2025**

1. The petitioner has filed this petition under Article 226 of the Constitution, for the following relief:

“(a) Issue a writ of Certiorari and any writ/order/direction to set aside/quash the alleged examination which has been conducted by the respondent No.1 totally in violation of the settled guidelines issued by the respondent No.2. in the interest of justice.

(b) issue direction to the respondents to held the said LDE as per the settled guidelines issued by the respondent No.2 and also provide the appropriate time to the petitioner for its preparation, in the interest of justice.”

2. I have heard Mr. Sumit Madan, learned counsel for the petitioner, Mr. Abhishek Sharma, learned counsel for respondent No. 1-College, and Mr. Ankur Chhibber, learned counsel for respondent no. 2-University of Delhi [“the University”].



3. The petitioner is employed by the respondent No. 1 – Satyawati College [“the College”] as a Junior Assistant. He sought promotion to the post of Assistant by way of a Limited Departmental Examination [“LDE”], for which a notification was first issued by the College on 13/15.12.2022.

4. Appointments to the post of Assistant are made by way of promotion [50%], direct recruitment [25%] and LDE [25%]. One post of Assistant in the LDE stream was available, for which the College issued the notice dated 13/15.12.2022. It was provided therein that applications must be made by 20.12.2022 and a written examination would be conducted on 23.12.2022.

5. It is undisputed that the petitioner made an application for promotion in the LDE vacancy. However, he also addressed a representation dated 20.12.2022 to the Principal of the College, seeking further time for preparation for the examination. It was stated in the representation that on 12.12.2022, he fell from the stairs in his house and was advised one week’s rest, which he had duly informed the College. He, therefore, sought postponement of the paper from 23.12.2022. No other ground was taken in the said representation.

6. It is also undisputed that the examination was, in fact, postponed by notices dated 22.12.2022 and 29.12.2022, first to 30.12.2022 and then to 03.01.2023 respectively.

7. The examination was finally held on 03.01.2023, for which the petitioner did not appear at all.

8. The College has stated in its counter affidavit filed on 23.10.2024, that another candidate was appointed to the post of Assistant pursuant to



the said examination. No application has been made by the petitioner for impleadment of the appointed candidate.

9. In any event, I do not find the facts and grounds taken in the writ petition to warrant interference under Article 226 of the Constitution. The grounds vaguely allege violation of guidelines issued by the University. The only guidelines annexed to the writ petition is a document issued by the University on 14.06.2022, which states that vacant position of non-teaching posts, for which all three modes of recruitment [promotion (on the basis of fitness cum seniority), LDE and direct recruitment] are provided, should be undertaken by giving precedence to promotion (on the basis of fitness cum seniority basis) over LDE, and LDE over direct recruitment. Mr. Madan is unable to state as to how the aforesaid guideline has been violated in the present case, and the writ petition also does not contain any averments to substantiate such an allegation.

10. Prior to the examination, the petitioner made a representation dated 20.12.2022, in which he objected to holding of the examination on 23.12.2022, and adverted to the fact that he had suffered a fall on 12.12.2022, due to which he was advised rest for one week. It may be noted that no medical documents have been annexed in support of this contention. Further, the inconvenience faced by a single candidate due to a fortuitous circumstance may not, in the ordinary course, require an employer to postpone an examination. Be that as it may, the question does not require further adjudication in the present case, as the examination was, in fact, postponed until 03.01.2023, thus making up for the alleged loss of one week suffered by the petitioner. The fact is that, despite the postponement, the petitioner did not appear in the examination



held on 03.01.2023.

11. On the date of the examination, i.e. 03.01.2023 at 12:35 AM, the petitioner addressed a further representation, raising various contentions about the examination, which was to be held later that day, and another request was made for postponement of the examination. No documents or grounds have been filed or argued, in support of the other contentions taken in the writ petition. As noted above, the submission that the examination was contrary to the guidelines of the University, are vague and general, and no averments substantiating this submission are to be found in the writ petition.

12. The petitioner admittedly applied for promotion to the post of Assistant in terms of the notice dated 13/15.12.2022, but did not participate in the examination. He cannot now raise general grounds assailing the promotion process, having applied himself under the same process. Reference in this connection may be made to the judgments of the Supreme Court in *Dhananjay Malik & Ors. v. State of Uttaranchal & Ors.* [(2008) 4 SCC 171], *Ashok Kumar v. State of Bihar* [(2017) 4 SCC 357], and *Tajvir Singh Sodhi v. State of J&K* [(2023) 17 SCC 147].

13. The petitioner has, therefore, failed to make out a case for interference under Article 226 of the Constitution. The petition, alongwith the pending application, is accordingly dismissed.

PRATEEK JALAN, J

JULY 2, 2025

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