



2025:DHC:1964-DB



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

Date of decision: 24.03.2025

+ **W.P.(C) 3611/2025**

GOVT OF NCT OF DELHI AND ANRPetitioners

Through: Mrs.Avnish Ahlawat, SC for
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Ms.Laavanya Kaushik,
Ms.Aliza Alam, Mr.Mohnish
Sehrawat, Advs.

versus

JYOTI KANWARRespondent

Through: Mr.Vibhakar Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 16879/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3611/2025 & CM APPL. 16878/2025

2. This petition has been filed by the petitioners, challenging the Order dated 19.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No.3570/2024 (hereinafter referred to as, 'OA') titled *Jyoti Kanwar v. Govt of NCT of Delhi & Ors.*, which allowed the said OA filed by the respondent herein following the Order dated 19.07.2024 passed by this Court in W.P.(C) 2814/2024 titled *Govt. of NCT of Delhi & Anr. v. Rishikesh Sharma* along with connected matters.



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3. A brief background of the facts giving rise to the present petition is that the respondent, pursuant to an Advertisement/Notification No. 02/21 dated 12.05.2021, issued by the Delhi Subordinate Services Selection Board (hereinafter referred to as, 'DSSSB') for vacancies for TGTs (Male) and (Female) for various subjects and Assistant Teacher (Primary), applied for the post of TGT Maths (Female) under the EWS category. The closing date for the submission of the online application was 24.06.2021, which was later extended till 04.07.2021. It is the case of the respondent that she could not obtain her EWS certificate by the cut-off date due to the lockdown declared by the Government owing to the spread of the COVID-19 pandemic. As her candidature was later rejected by the petitioners on the ground that she could not submit her EWS certificate issued on or before the cut-off date specified in the advertisement, the respondent filed the abovementioned OA before the learned Tribunal.

4. The learned Tribunal, by a common Judgment dated 08.08.2023 in OA 1524/2022 titled *Anju & Ors. v. Govt. of NCT of Delhi & Ors.* and connected matters, allowed the said OAs filed by similarly situated individuals as the respondent herein, directing as under:-

"12. Conclusion:

12.1 In conspectus of the facts of the case and in view of the above discussion, we are convinced that the applicants do possess valid EWS Certificates issued to them by the Competent Authority based on their financial status, income and assets and met the eligibility criterion. Therefore, we allow these OA(s) in peculiar facts and circumstances as narrated herein-above, the rejection notices of the respective applicants for respective



categories are quashed and set aside. The applicants in all these OA(s), who are having EWS Certificates for last three financial year(s) as on the cutoff date, the respondents are directed to re-examine and reconsider the cases of the applicants afresh. On reexamination, if their candidature is found to be in order in view of the observation supra, the respondents shall process their cases, and issue offer of appointment(s) in their respective post code and respective category as per their merit position, if otherwise fulfilling other eligibility conditions as per RR's. The applicants shall be entitled to all consequential benefits which shall flow on a notional basis only. The actual benefit shall accrue from the date when the applicants actually join the post.

12.2 The above exercise shall be completed by the respondents within a period of twelve weeks from date of receipt of a certified copy of this order."

5. The above Judgment was challenged by the petitioners before this Court in the form of W.P.(C) 2814/2024, titled ***Govt. of NCT of Delhi and Anr. v. Rishikesh Sharma***, and connected petitions. This Court in its Order dated 22.05.2024, upon hearing the parties, observed as under:-

"5. Having perused the impugned order as also the aforesaid decisions relied upon by both sides, we are of the view that, in the peculiar facts of the present case, the learned Tribunal was justified in directing the petitioner to consider the candidature of respondents on merits."

6. The said batch of petitions was later dismissed by this Court *vide* its Order dated 19.07.2024, directing the petitioners to carry out the directions of the learned Tribunal within a period of 6 weeks from



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the date of the said Order.

7. We are informed that an Order in compliance with the directions of this Court, has been issued by the DSSSB.

8. The learned counsel for the petitioners reiterates that as the respondent did not submit her EWS certificate along with her application before the cut-off date, she was rightly not offered appointment. She further submits that presently, there are no vacancies against which the respondent can be accommodated.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that this Court has already dismissed the petitions raising similar pleas filed by the petitioners, and the petitioners should not be allowed to reagitate the same plea in this petition. He further submits that before the learned Tribunal, the petitioners were directed to keep a seat vacant for the respondent, if not already filled. He submits that, therefore, the petitioners cannot make the relief, which has been granted to the respondent, infructuous, by now claiming that there are no vacancies against which the respondent can be accommodated.

10. We have considered the submissions made by the learned counsels for the parties.

11. As would be evident from the above, the issue raised by the petitioners in the present petition already stands decided by this Court *vide* its Order dated 22.05.2024 read with Order dated 19.07.2024 referred to hereinabove. Merely because of the change of the Bench of this Court, this Court would not like to re-open the issues that have already been settled and, in fact, as claimed by the learned counsel for



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the respondent, been partly implemented by the issuance of necessary Orders by the DSSSB.

12. As far as the lack of vacancies is concerned, the learned Tribunal *vide* its Order dated 11.09.2024 in OA No.3570/2024, has directed the petitioners to keep a seat vacant for the respondent herein in case she was to succeed in the OA filed by her. We are of the opinion that once the respondent has succeeded in the OA filed by her, she cannot be denied the relief; the Order of the learned Tribunal needs to be implemented.

13. Moreover, there is also a considerable delay in filing of the present petition, as the Impugned Order is dated 19.11.2024, however, the present petition has been filed by the petitioners on or about 20.03.2025. The present petition is, therefore, liable to be dismissed on this ground as well.

14. Therefore, we find no merit in the present petition. The same, along with the pending application, is accordingly dismissed.

15. The petitioners shall comply with the directions issued by the learned Tribunal within a period of 6 weeks from today.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 24, 2025/rv/SJ

Click here to check corrigendum, if any