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

+ **W.P.(C) 3917/2025 & CM APPL. 18163/2025**

PURNIMA SINGH

.....Petitioner

Through: Mr. Satya Prakash Mishra,
Advocate.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Neeraj, SPC with Mr. Vedansh
Anand, Mr. Soumyadip
Chakraborty, Mr. Sachin Saraswat,
Advocates for R-1.
Mr. Manjit Kumar Pathak, Ms.
Chavi, Advocates for R-2 and 3.
Mr. Alok Raj, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.05.2025

1. The petitioner was a candidate for appointment to the post of Pharmacist, pursuant to an advertisement issued by the respondent No. 2 - All India Institute of Ayurveda ["the Institute"] on 26.12.2023.
2. By way of this petition under Article 226 of the Constitution, the petitioner challenges the final result dated 20.02.2025 issued by the Institute, insofar as it relates to the appointment of respondent No. 4 – Radhika Vinod Bhanderi. She also seeks directions towards consideration and selection of her own candidature.
3. Pursuant to orders dated 28.03.2025 and 24.04.2025, the Institute



has filed its affidavit-in-reply dated 30.04.2025.

4. I have heard learned counsel for the parties.

5. By the advertisement dated 26.12.2023, the Institute invited applications for various non-teaching posts, including twelve posts of Pharmacist (at Serial No. 38), of which seven were in the unreserved category, three were reserved for OBC candidates, and one each for Scheduled Castes and EWS candidates. The recruitment was to be conducted by way of a written test.

6. The petitioner applied for the post of Pharmacist in the OBC category. Her name was included in a notification dated 30.01.2025, by which twelve candidates were called for document verification, and another twelve candidates were placed in a waitlist. The petitioner participated in document verification and was found eligible, in terms of a notification dated 17.02.2025. In the final select list dated 20.02.2025, however, her name was not included in the list of selected candidates, but was placed in the waitlist. She has therefore filed this writ petition challenging the selection list.

7. The selection list shows that seven candidates were selected in the unreserved category, the last of whom was respondent No. 4. Her selection was subject to verification of documents. Three candidates were selected in the OBC category, namely Ms. Suman Yadav, Mr. Veerendra Gupta (subject to submission of OBC-NCL certificate for FY-2023-24), and Mr. Ayush Verma.

8. The petitioner's grievances are twofold: (a) First, she submits that Ms. Suman Yadav, who has been selected in the OBC category, in fact, secured higher marks in the written examination than the last selected



candidate in the unreserved category. She ought, therefore, to have been selected on the strength of her marks against an unreserved seat, as required by Clause 7(b) of the General Information and Conditions of the Recruitment, which reads as follows:

“7. Mode of Selection:

XXXX

XXXX

XXXX

b) SC, ST, OBC, EWS and PH candidates, who are selected on their own merit without relaxed standards, along with candidates belonging to other communities, will not be adjusted against the reserved share of vacancies. Such SC, ST, OBC, EWS and PwBD candidates will be accommodated against the general/unreserved vacancies in the post as per their position in the overall Merit List or vacancies earmarked for their category, whichever is advantageous to them. The reserved vacancies will be filled up separately from amongst the eligible SCs, STs, OBCs, EWS and PwBD candidates who are lower in merit than the last general candidate on merit list or unreserved category but otherwise found suitable for appointment by relaxed standard.”

[Emphasis supplied.]

(b) The petitioner’s second contention is that Mr. Veerendra Gupta’s candidature has been accepted subject to document verification, and that the petitioner should be considered if his documents are not found in order.

9. As far as the first contention is concerned, the affidavit filed by the Institute states that, although Ms. Suman Yadav’s score in the written examination would ordinarily have made her eligible for an unreserved seat, she availed of age relaxation available to OBC category candidates, and was therefore considered against the OBC category rather than the General category. Learned counsel for the Institute draws my attention, in this connection, to the stipulation in the advertisement, which provides for an age limit of 27 years for the post of Pharmacist under Clause 5(d)



of the General Conditions. OBC candidates were entitled to relaxation of three years beyond the upper age limit, but Clause 5(c) further provided that no age relaxation would be available to SC, ST, or OBC candidates applying for unreserved vacancies. As Ms. Suman Yadav had attained the age of 28 years, and thus availed of the age relaxation, it is contended that she could not be counted against an unreserved vacancy.

10. I do not find any infirmity in this process. The advertisement clearly provided that a reserved category candidate would be considered against unreserved vacancies, only if he/she did not avail of any relaxation available to the reserved category candidates. Ms. Suman Yadav having availed of such relaxation with respect to age, was rightly considered against the OBC category vacancy.

11. As far as the appointment of Mr. Veerendra Kumar is concerned, the affidavit and the selection list disclose that this appointment was subject to document verification. It is clearly stated in the affidavit that the petitioner had secured 4th rank in the OBC category. It is clear that the three candidates higher than her have therefore been selected. Learned counsel for the Institute, however, makes it clear that in the event Mr. Veerendra Kumar's document verification has not yet concluded, and he is found deficient, or any of the selected candidates in the OBC category does not join, then the petitioner's candidature will be considered for that post, as she is next in the merit list in the said category, being in the 4th position. This takes care of the petitioner's second grievance also.

12. It is stated in the affidavit of the Institute that the respondent No. 4, who was the last candidate appointed against the unreserved vacancies, secured 63.5 marks, which is higher than the marks obtained by the



petitioner (60.25). In the petitioner's category (OBC) also, all selected candidates were placed above her in the merit list. There is thus no merit in the petitioner's claim for selection at this stage.

13. Subject to the submission of the Institute recorded in paragraph 11 hereinabove, the reliefs sought by the petitioner cannot be granted at this stage. The writ petition, alongwith the pending application, therefore stands disposed of, with the aforesaid observations.

PRATEEK JALAN, J

MAY 16, 2025

'Bhupi/JM'/'