



2025:DHC:9286-DB



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

Date of decision: 14.10.2025

+ W.P.(C) 6031/2025 & CM APPL. 27574/2025, CM APPL. 27575/2025, CM APPL. 56179/2025, CM APPL. 56180/2025
DELHI SUBORDINATE SERVICES SELECTION BOARD

.....Petitioner

Through: Mr.Sujeet Kumar Mishra and
Mr.Harsh Kumar Pandey,
Advs.

versus

NADEEM & ORS.

.....Respondents

Through: Mr.Sanjay Sharawat, Sr. Adv.
with Mr.Anuj Aggarwal,
Mr.Shubham Bahl, Mr.Ayush
Anand and Mr.Pradeep Kumar,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 18.10.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.2613/2022, titled *Nadeem v. Delhi Subordinate Services Selection Board (DSSSB) & Ors.*, allowing the O.A. filed by the respondent no.1 herein, with the following directions:

“6.3. Accordingly, the candidature of the applicant stands restored with a direction to



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the competent authority amongst the respondents to process it further and subject to verification of his eligibility in accordance with rules, offer him appointment forthwith.

6.4. The offer of appointment shall be on notional basis with effect from the date the last of the candidates selected for the post pursuant to the vacancy notification of post code 069/09 was given appointment. The applicant shall also be entitled to all the consequential benefits including, but not restricted to financial benefits and seniority, on notional basis from the date of appointment and on actual basis with effect from the date he assumes the charge of his position pursuant to the offer of appointment.

6.5. The aforesaid exercise shall be completed by the respondents within a period of two months from the date of receipt of a certified copy of this order. Pending MAs, if any, shall also stand disposed of. No costs."

2. The present petition has a chequered history, which would be important to be considered.

3. The petitioner issued an Advertisement No.004/2009 in December, 2009, inviting applications for appointment to the post of Teacher (Primary-Urdu) (Post Code: 069/09) in the Municipal Corporation of Delhi/respondent no.2. Pursuant to the examination conducted for the same, the petitioner declared Result Notice No.322 dated 01.03.2014 and Result Notice No.327 dated 08.05.2014, provisionally selecting certain candidates for the said post. The respondent no.1, who secured 127 marks out of 200 marks in the OBC category, was not offered appointment to the said post though the last selected candidate in the OBC category had obtained only 71 marks



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out of 200 marks.

4. *Vide* Rejection Notice No.323 dated 01.03.2014, the petitioner was informed that his candidature had been rejected on the following ground:

“Due to possession of educational qualification is not as per RR's provided by User Deptt.”

5. Aggrieved by the same, the respondent no.1 filed a Writ Petition before this Court, being W.P.(C) 4512/2014. This Court by an Order dated 23.07.2014, declined to entertain the said Writ Petition, however, granted liberty to the respondent no.1 to either file a fresh writ petition seeking appropriate directions to the National Council for Teacher Education (NCTE) or, in the alternative, to approach the learned Tribunal for appropriate relief.

6. The respondent no.1, exercising the second option, filed O.A. No.3190/2014 before the learned Tribunal, challenging the Rejection Notice.

7. The said O.A. was dismissed by the learned Tribunal *vide* an Order dated 31.08.2018, observing as under:

“8. The applicants themselves have admitted in their OA that it is within the jurisdiction of the NCTE to decide the issue of recognition of institutions for conducting DPE courses. Quite clearly, the NCTE has not granted recognition to MANUU for conducting DPE course during academic session 2006-08. In fact, the letter dated 27.03.2014 (Annexure A-13) referred to by the applicants in para 4.16 of the OA, is just an exchange of communication between the NCTE and MANUU and it cannot be considered as a ground for considering the applicants to have obtained qualification from



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a recognized institution. NCTE itself, vide its letter dated 06.12.2013 (Annexure A-11), made it clear that MANUU, from which the applicants have obtained the Diploma in Primary Education, is not a recognized institution for conducting such course during academic session 2006-08. In view of lack of recognition by NCTE, the respondents were correct in rejecting the claim of the applicants. The applicants are thus not found to have qualification of DPE course from a recognized institution as per the advertisement for post code 69/09.”

8. The respondent no.1, thereafter, filed an application seeking review of the above order, being M.A. No.2447/2019, however, the same was also dismissed by the learned Tribunal *vide* its Order dated 05.08.2019.

9. Aggrieved thereby, the respondent no.1 filed a Writ Petition before this Court, being W.P.(C) 575/2020. The same was also dismissed by this Court *vide* its Order dated 17.01.2020, observing as under:

“10. It is noted that the Tribunal has rejected the O.A. based on the communication issued by NCTE, as per which a categorical stand has been taken that respondent No.2 had not been granted recognition for conducting DPE course by distance mode. Neither before Tribunal in the O.A. nor before this court, is it disputed that the jurisdiction lies with NCTE to decide the matter of recognition of institutions for conducting the DPE course. It would be useful to reproduce the communication bearing F-SRO/CTE/2013-2014/55332 dated 06.12.2013 issued by NCTE.

*“NATIONAL COUNCIL FOR TEACHER
EDUCATION*



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(A statutory body of Government of India)
SOUTHERN REGIONAL COMMITTEE

F-SRO/CTE/2013-2014/55332

Date: 06/12/2013

To,
SK Chauhan
Research Officer
National Council for Teacher Education
Wing-II, Hans Bhawganl,
Bahadur Shah Zafar Marg,
New Delhi-110002

Sir,

Sub: Regarding validity of DPE
course conducted by Maulana Azad
National Urdu University,
Hyderabad/IGNOU-reg

Ref: Your , letter no.f-48-
5/2013/NCTE/N&S/A74697 dated 27th
September, 2013

With reference to subject cited above, it is
to inform you that as per SRC-NCTE
record Maulana Azad National Urdu
University, Hyderabad has not been
granted recognition for conducting DPE
course under distance mode.
This for your kind information

Your faithfully,
Regional Director”

11. Based on the aforesaid categorical
assertion, in our view, the Tribunal has
correctly rejected the O.A. In view of the
above, we find no ground to entertain the
present petition; and accordingly, the same is
dismissed.”

10. This Court, however, at the same time, reserved liberty in the
respondent no.1 to make a representation before the petitioner.

11. In the meantime, by a Notification dated 12.05.2020 issued by



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the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India ('DSEL'), the Diploma in Primary Education (DPE) undertaken by the respondent no.1 from Maulana Azad National Urdu University, Hyderabad and Indira Gandhi National Open University, during the period from 2006 to 2008, was accorded recognition with retrospective effect.

12. Armed with the same, the respondent no.1 filed a Review Petition in W.P.(C) 575/2020, being Review Pet. 64/2021.

13. This Court, by its Order dated 15.07.2021 passed in the said Review Petition, observed that while the Notification dated 12.05.2020 may give a fresh cause of action to the respondent no.1 herein, it cannot be a ground for reviewing the Order dated 17.01.2020 of this Court. This Court, however, also observed that the Order dated 17.01.2020 will not come in the way of respondent no.1, who may avail of the appropriate remedies available to him in law, for agitating his rights in terms of the said Notification. We quote from the Order as under:

“3. As noticed above, the judgment of which review is sought was delivered on 17.01.2020, when notification dated 12.05.2020 had not been issued. Therefore, notification dated 12.05.2020, in a sense, may give rise to a fresh cause of action, at least insofar as the petitioner is concerned. Besides, the original application filed by the petitioner before the Tribunal inter alia sought relief qua his rejection for the post of Teacher (Primary-Urdu) which was advertised in 2009, that much before notification dated 12.05.2020 came to be issued giving recognition to the DPE earned by the petitioner.



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3.1. Therefore, while we find no error in the judgment of which review is sought, and cannot grant any relief in the present review petition, we are inclined to give liberty to the petitioner to take recourse to an appropriate remedy that may be available to him, in law, for agitating his rights in terms of notification dated 12.05.2020, if so advised.

4. The review petition is disposed of in the aforesaid terms.

5. Needless to add, judgment dated 17.01.2020 will not come in the way of the petitioner, as it did not deal with the application, interpretation or impact of notification dated 12.05.2020. Furthermore, the petitioner may also make a representation to the concerned authority in this behalf, if so advised.”

14. The respondent no.1 then filed representation before the petitioner for reconsideration of his case. The respondent no.1 also filed O.A. No.1575/2020 before the learned Tribunal, which was disposed of by the learned Tribunal by its Order dated 04.07.2022, directing the petitioner to pass an appropriate reasoned and speaking order on the representation of the respondent no.1.

15. The petitioner, by the Order dated 07.09.2022, rejected the representation of the respondent no.1, *inter alia*, observing as under:

“And whereas, the NCTE (Amendment) Act 2019/Gazette Notification dated 12.05.2020, on careful reading, gives recognition from retrospective date to the Courses run by certain Central or State Government funded institutions as one time measure, thus have regularized the Courses run by the institutions which were till that date, illegal. Moreover, the said Act, nowhere, have said that recruitment conducted on the basis of existing status and the cases where recruitment process have been closed, have to be reopened and result of all those candidates



be reconsidered. As this would create a situation whereby some candidates at the bottom of merit list have to be thrown out of Govt. Services. Further, there may be many law abiding candidates who may not have applied for the post considering themselves ineligible as their course was not recognized on the last date of advertisement of the vacancies. The true construction of the said Amendment Act 2019 would be that courses run by these institutions would be recognized retrospectively but only for the opportunities arising in future and not for the opportunity which has attained the finality, as in the instant case.

And whereas, the other argument in the representation is that the relief was granted to a candidate named Sh. Rahila in identical case in pursuance of order in OA No.2241/2014, titled Rahila Vs MCD and others in Ld. CAT

And whereas, OA No.2241/2014, titled Rahila Vs MCD and DSSSB was filed in Ld. CAT by Sh Rahila wherein the Ld. CAT has passed an order dated 05.02.2020, the operating part of which are as under:

"13. We are granting this extraordinary relief only on account of the fact that the applicant approached this Tribunal earlier and the present OA was filed way back in the year 2014. This order shall not be construed as laying any general proposition."

And whereas, the applicant is seeking relief in accordance with the above case of Sh. Rahila but it may be seen that the said order was applicable to that particular case only as an extraordinary relief and the same is not applicable to the applicant as order dated 05.02.2020 shall not be construed as laying any general proposition.

And whereas, the recruitment process for the said post (Post Code- 69/09, PRT-



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Urdu) has already been closed on 08/06/2018 and the remaining 59 unfilled vacancies (UR-NIL, OBC 27, SC-14, ST-18, Total-59) have been surrendered to the User Department.

And now, therefore, in view of the above, the points raised by the candidate Sh. Nadeem have duly been examined and it is found that the same do not have any merit and is not tenable, hence the same is rejected after due consideration.”

16. Aggrieved thereby, the respondent no.1 filed the above O.A. before the learned Tribunal, challenging the above order rejecting his representation.

17. As noted hereinabove, the learned Tribunal allowed the said O.A. with the above-quoted directions, primarily observing that once the course undertaken by the respondent no.1 had been recognized, the Rejection Notice could not be sustained. We quote from the Impugned Order as under:

“5.5. We find that though the applicant has also been agitating his grievance right from the year 2014 as already highlighted in the preceding paragraphs, it is also not in dispute that the earlier rejection notice dated 01.03.2014 was based on the fact that during the scrutiny of the certificate, it was found that the applicant had acquired the Diploma in primary education (DPE) from Maulana Azad Urdu University. On the basis of clarification provided by south Delhi Municipal Corporation vide letter no. D/2472/Addi Dir/ED/HQ/SDMC/2014 dated 19.02.2014 the diploma in primary education (DPE) from Maulana Azad Urdu University was not granted recognition by NCTE. Accordingly, the candidature of the applicant was rejected on 01.03.2014 by the respondents in terms of the clarification provided by the SDMC vide



its Letter dated 19.02.2014. However, it is also pertinent to note that the respondents have ignored the notification dated 12.05.2020 issued by the Ministry of Human Resource Development, Govt. of India wherein it is mentioned that the course of Diploma in Primary Education Programme (DPE) (Distance Mode) from Maulana Azad Urdu University for the period from 2006 to 2008 has been accorded retrospective recognition.

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5.7. We also observe that grant of recognition to the courses is within the realm and jurisdiction of National Council for Teacher Education (NCTE). Once, a recognition has been given by the NCTE to the course undertaken by the applicant, i.e., Diploma in Primary Education Programme (DPE) (Distance Mode) from Maulana Azad Urdu University, the impugned rejection notice cannot sustain.

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6.1. In view of the aforesaid factual matrix of the case, we allow the OA and quash and set aside the impugned order dated 07.09.2022, passed by the Delhi Subordinate Services Selection Board (DSSSB), whereby the representation dated 19.08.2021 of the applicant was rejected. We also set aside the impugned Rejection Notice No. 323 dated 01.03.2014, issued by the Delhi Subordinate Services Selection Board (DSSSB), whereby at Sr. No. 02, the candidature of the applicant for appointment on the post of Teacher (Primary-Urdu) (Post Code: 069/09) in MCD, was rejected with the remarks, "Due to possession of educational qualification is not as per RR's provided by user Deptt.

6.2. We hold that Diploma in Primary Education Programme (DPE) (Distance



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Mode) from Maulana Azad Urdu University as possessed by the applicant is a valid qualification for appointment on the post of Teacher (Primary-Urdu) (Post Code: 069/09).”

18. Aggrieved by the Impugned Order, the petitioner has filed the present petition.

19. The learned counsel for the petitioner submits that the Notification dated 12.05.2020, according permission with retrospective effect to the course undertaken by the respondent no.1, cannot have the effect of enabling the respondent no.1 to now challenge the Rejection Notice issued by the petitioner in the year 2014, when admittedly, at that time, the NCTE had stated that the course undertaken by the respondent no.1 was not recognized. He submits that the retrospective permission given by the DSEL to the said course is only for academic purposes and not for the purposes of employment. He submits that the respondent no.1 cannot be allowed to re-agitate those issues again, which have already been decided by the learned Tribunal in its earlier orders, which have also been upheld by this Court.

20. The learned counsel for the petitioner further submits that in terms of the Advertisement, a candidate had to, *inter alia*, have the following qualification:

“Two years diploma/certificate course in ETE/JBT or B.El.Ed from recognized institutions or its equivalent.”

21. He submits that the learned Tribunal has not considered whether the diploma in primary education undertaken by the



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respondent no.1 through distance mode is equivalent to the above quoted qualification.

22. He further submits that the candidature of the respondent no.1 has to be determined as on the date of the application filed by him, and that the recruitment process comes to an end with the declaration of the result and the filing up of the vacancies. He submits that in the present case, the Advertisement was issued in the year 2009 and the recruitment process ended with the declaration of the result in the year 2014. He submits that with the entire vacancies either filled or now surrendered to the User Department, relief cannot be belatedly granted to the respondent no.1. In support, he places reliance on the Judgment of the Supreme Court in **Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.**, 2024 INSC 847.

23. On the other hand, the learned senior counsel appearing for the respondent no.1 submits that the learned Tribunal, by an Order dated 05.02.2020 passed in O.A. No.100/2241/2014, titled **Rahila v. South Delhi Municipal Corporation & Ors.**, while considering qualifications possessed by the applicant therein, which are similar to the respondent no.1 herein, had allowed the said O.A., observing as under:

“11. The NCTE passed an order dated 1.11.1999 according permission to the 4th respondent to conduct courses for Diploma in Primary Education of two years duration, through distance mode. Similar order was passed on 21.08.2000. However, in the impugned order dated 20.05.2014, this aspect was not taken into account. It was proceeded as though the certificate was issued exclusively by the 5th respondent. Once it has become



clear that the 6th respondent accorded permission to the 4th respondent and the latter, in turn, conducted the diploma course in Primary Education Programme in collaboration with 5th respondent, the view taken by the 2nd respondent cannot be treated as valid.

12. We, therefore, allow the OA and quash and set aside the impugned order dated 20.05.2014. The respondents shall consider the case of the applicant for appointment treating that the diploma studied by her is valid. In case, the applicant is selected on the basis of marks secured, her appointment shall be prospective in nature. The exercise in this behalf shall be completed within a period of two months from the receipt of a certified copy of this order. The applicant has also undertaken not to claim any retrospective benefit in whatever form.

13. We are granting this extraordinary relief only on account of the fact that the applicant approached this Tribunal earlier and the present OA was filed way back in the year 2014. This order shall not be construed as laying any general proposition."

24. He submits that the respondent no.1 is similarly situated to the applicant in the above O.A. and, therefore, was entitled to the same relief.

25. He further submits that by the Notification dated 12.05.2020 issued by the DSEL, the Diploma in Primary Education undertaken by the respondent no.1 from Maulana Azad National Urdu University, Hyderabad and Indira Gandhi National Open University, has been duly recognized with retrospective effect. He submits that the respondent no.1 has been agitating his rights right from the year 2014 and, therefore, was entitled to similar relief as granted to Ms.Rahila in



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the abovementioned O.A. He submits that, therefore, no fault can be found in the Impugned Order.

26. As far as the plea of equivalence is concerned, he submits that the same was not a ground urged by the petitioner in the Rejection Order dated 07.09.2022, rejecting the representation of the respondent no.1. He further submits that the Indira Gandhi National Open University has also certified that the Diploma in Primary Education through distance mode has a duration of 2 years and is equivalent to ETE/JBT/D.El.Ed.. He submits that the same is, therefore, an afterthought of the petitioner, to somehow reject the candidature of the respondent no.1.

27. He further submits that the respondent no.1 is, in fact, presently working as a Teacher (Urdu) with the Municipal Corporation of Delhi on contract basis since 2009 and, in fact, the Municipal Corporation of Delhi, as a User Department, has accepted the order of the learned Tribunal in the case of the respondent no. 1 and has called upon the petitioner to send the name and dossier of the respondent no.1 for it to take further action to implement the order passed by the learned Tribunal. He submits that the petitioner, being only a recruiting agency, cannot act against the instructions of the User Department. In support, he places reliance on the Judgment of this Court in ***Delhi Subordinate Services Selection Board & Ors. v. Preeti Rathi & Ors.***, 2011:DHC:5741-DB.

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

29. At the outset, we would note that though the recruitment



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process is of the year 2009, resulting in the Result Notices of 2014, however, the fact remains that the respondent no.1 did not remain a bystander but, in fact, immediately challenged the Rejection Notice by filing the first O.A. before the learned Tribunal in the year 2014 itself. In the first O.A., though resulted in an order of dismissal, upon a challenge to such order before this Court, this Court reserved liberty in the respondent no.1 to make a representation to the petitioner for reconsideration of his case.

30. In the meantime, the DSEL, by Notification dated 12.05.2020, retrospectively recognized the course that was undertaken by the respondent no.1 through Maulana Azad National Urdu University and Indira Gandhi National Open University. Subsequently, the respondent no.1 made representation to the petitioner, however, the same came to be dismissed by the petitioner *vide* Order dated 07.09.2022. In the representation, the respondent no.1 had also relied upon the order passed by the learned Tribunal in **Rahila** (supra).

31. We are informed that the order passed by the learned Tribunal in **Rahila** (supra) has been duly implemented by the Municipal Corporation of Delhi, the User Department.

32. It is also not denied that the educational qualification of Ms.Rahila is the same as that of the respondent no.1 herein.

33. We fail to appreciate how two candidates, having similar educational qualifications, can be differentiated by the petitioner, and only one of the orders came to be challenged before this Court.

34. It is also to be noted that the Municipal Corporation of Delhi, which is the User and Requisitioning Department, has by its Letter



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dated 02.12.2024, accepted the Impugned Order of the learned Tribunal and has also requested the petitioner to send the name and the dossier of the respondent no.1 for the due implementation of the Impugned Order.

35. In **Preeti Rathi** (supra), this Court had adversely commented on the petitioner challenging the order passed by the learned Tribunal in similar circumstances, that is, when the User Department, being the Municipal Corporation of Delhi, had already accepted the said order and decided not to challenge the same. We reproduce the observations of this Court, as under:

“15. There is yet another reason not to interfere with the impugned order. In the present case the respondents herein had filed an OA for declaration that they were entitled to be considered for the post of Primary Teachers. These teachers are to be appointed in MCD. MCD is the prospective employer which had sent its requisition to the petitioner herein namely Delhi Subordinate Services Selection Board (DSSSB). After the judgment rendered by the Tribunal, MCD has not challenged, rather accepted the same. If MCD has no objection for consideration of the case of these respondents on merits for appointment on regular basis, we see no reason why the petitioner which is but a recruitment agency, should have any such objection.”

36. While there can be no dispute regarding the proposition expounded by the learned counsel for the petitioner that the eligibility of a candidate is to be determined as on the date of the closure of the applications and that the recruitment process comes to an end with the declaration of the result; in the present case, as noted hereinabove, the



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respondent no.1 had immediately challenged the rejection of his candidature by filing not only a Writ Petition before this Court but later, by also filing an O.A. before the learned Tribunal, pursuant to the liberty granted by this Court. The respondent no.1 has been agitating his rights from 2014 and has not given up on the same. Further, the petitioner has also accepted the order of the learned Tribunal in ***Rahila*** (supra) and the Municipal Corporation of Delhi has already implemented the same. In these peculiar circumstances, we refuse to interfere with the Impugned Order passed by the learned Tribunal.

37. The present petition is, accordingly, dismissed. The pending applications are also disposed of.

38. The petitioner shall implement the Impugned Order of the learned Tribunal within a period of eight weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 14, 2025/ns