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

+ W.P.(C) 6764/2025, CM APPL. 30689/2025, CM APPL. 41507/2025, CM APPL. 43242/2025 & CM APPL. 50406/2025
MUNISEKHAR PERISETLA & ORS.Petitioners

Through: Ms. Shivani Vij, Advocate.

versus

AIRPORTS AUTHORITY OF INDIARespondent

Through: Mr. Vaibhav Kalra, Ms. Neha Bhardwaj, Mr. Arpan Lohia, Advocates for AAI.

Mr. Prithu Garg, Mr. Shivam Singh, Ashutosh Arvind Kumar, Advocates for Intervenors.

Mr. Arshad Ali, Mr. Quaisar Ali, Advocates for R-4, 6, 9 to 11, 13 to 16.

Mr. Sheel Pathak, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

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ORDER

08.09.2025

1. This writ petition concerns recruitment to the post of Manager (Electronics) in the respondent - Airports Authority of India ["AAI"], pursuant to an advertisement issued in 2018. The petitioners were all candidates in the Other Backward Class (OBC) reserved category. Their grievance in the writ petition concerns their entitlement to selection against general category vacancies, in priority to less meritorious general category candidates.

2. Factually, it is not disputed that the petitioners' scores in the recruitment process (written examination and interview) were higher than



the cutoff marks in the Unreserved (General) category, yet candidates lower in the merit list in the Unreserved category were included in the third select list, whereas the petitioners were not. The petitioners therefore rely upon the principle that a reserved category candidate, who has not availed of any relaxation, is entitled to be considered against a general category vacancy, if he or she ranks higher in the merit list than the next eligible unreserved category candidate.

3. Notice was issued in this petition on 20.05.2025 and the petition has been taken up on several occasions since. In its affidavit dated 23.05.2025, AAI did not controvert the aforesaid legal position and placed on record the “*reworked second selection list*” and the “*reworked third selection list*”. The matter remained pending to consider the modalities by which the selections could be brought in line with the correct legal position.

4. However, on 18.08.2025, Mr. Vaibhav Kalra, learned counsel for the AAI, submitted that the Board of AAI, by its decision dated 12.08.2025, has resolved not to implement the third list of candidates at all, either as originally published or restructured. AAI was directed to place this decision on affidavit, which it has done by way of an affidavit dated 03.09.2025.

5. In the said affidavit, it is stated that in the subject advertisement, issued in the year 2018, 324 vacancies for the post of Manager (Electronics) were advertised for direct recruitment. At that time, the sanctioned strength of posts was 1498, out of which 25% were to be filled through direct recruitment. As 50 posts were already filled by direct recruitment, 324 vacancies were accordingly advertised. However,



pursuant to a restructuring of posts in the year 2024, the number of sanctioned posts of Manager (Electronics) was reduced from 1498 to 850, by orders dated 02.05.2024 and 05.12.2024. The vacancies available for direct recruitment were thus reduced to 212, against which 239 persons had already been appointed under the 2018 advertisement. The Board of AAI, therefore, by resolution dated 12.08.2025, decided not to issue offers of appointment to the third list of candidates, as the authorised sanctioned strength, under the direct recruitment quota had already been exceeded by the appointment of 239 persons. A copy of the Board's resolution dated 12.08.2025 has also been placed on record.

6. Learned counsel for the petitioners, for the private respondents (General category candidates who were selected in the third list), and for the intervenors, all submit that this position, predicated upon a cadre restructuring which took place in 2024, ought not to be implemented for a recruitment which was commenced in the year 2018. They also submit that AAI has proceeded throughout the present proceedings on the basis that it intends to fill all the advertised vacancies, without bringing the aforesaid reduction in the number of vacancies to the knowledge of the Court. In these circumstances, learned counsel submit that the decision of the Board taken in August 2025 is a colourable exercise of power, particularly since it seeks to apply a restructuring carried out in the year 2024, retrospectively to a recruitment process commenced in 2018. Mr. Shivam Singh, learned counsel for the intervenors, who appears through video conference, refers in this connection to a judgment of the Supreme Court in *Union of India & Anr. v. Hemraj Singh Chauhan & Ors.* [SLP(C) 6758-6759/2009, decided on 23.03.2010].



7. Mr. Kalra, on the other hand, refers to a stipulation in the advertisement itself that the number of vacancies was tentative, and may increase or decrease at the sole discretion of AAI, as well as to the stipulation in each of the select lists that the selections were provisional. He also relies upon Clause ‘f’ of the General Instructions, which reads as follows:

“f) AAI reserves the right to modify / alter / restrict / enlarge / cancel the recruitment process, if need so arises, without issuing any further notice or assigning any reasons whatsoever. The decision of the AAI Management will be final and no appeal will be entertained in this regard.”

8. Having heard learned counsel for the parties, I am of the view that it is unnecessary to examine these issues in detail in the present writ petition. The averments and the prayers in this writ petition are only directed against the third select list published by AAI dated 30.04.2025/01.05.2025. The petitioners claim a right to inclusion in the third select list, in preference to those included therein. I am of the view that this grievance does not survive, as the third list has been cancelled, pursuant to the decision not to fill the advertised vacancies. This decision, being supported by a Board resolution, on the basis of the intervening reduction in the sanctioned strength of the post, is, in my opinion, not open to a collateral challenge, although it may, of course, be tested in a properly constituted petition.

9. As noticed above, the present recruitment, for 324 posts of Manager (Electronics), commenced with an advertisement issued on 03.07.2018, more than seven years ago. The recruitment ran into legal difficulties at that very stage, as a writ petition [W.P.(C) 15815/2018] was



filed before the High Court of Madhya Pradesh. By order dated 03.08.2018, the High Court directed AAI not to finalise the select list insofar, as it related to the post of Manager (Electronics), until the next date of hearing. An application was made by one of the candidates before the High Court for vacating the interim order, but it was not granted. The applicant thereafter approached the Supreme Court in SLP(C) 19860/2022. By order dated 01.09.2023, the Supreme Court permitted AAI to proceed with the advertisement, subject to the outcome of the writ petition. I am informed that the writ petition has since been dismissed as withdrawn on 16.07.2024.

10. In these circumstances, AAI proceeded with the selection only thereafter. It issued the first list for the post of Manager (Electronics) on 30.04.2024, the second list on 23.12.2024, and the third list on 30.04.2025, with an addendum on 01.05.2025.

11. Further, none of the third list candidates, whether original or reworked, have yet received letters of appointment. They are, at best, in the category of selected candidates, who do not have a vested right to appointment, or even to the recruitment process being taken to its conclusion. Reference may be made, in this connection, to the judgment of the Supreme Court in *Commissioner of Police and Anr. v. Umesh Kumar*¹.

12. The present writ petition is therefore disposed of, leaving it open to any aggrieved party to challenge the reduction in the sanctioned strength of posts and its application to the recruitment of the year 2018, if so advised. This Court does not intend to make any observations in this



regard. Suffice it to note that in the event such a challenge succeeds, AAI will issue a further selection list in accordance with law, bearing in mind the principles governing adjustment of meritorious reserved category candidates against unreserved category posts.

13. The manner in which AAI has conducted itself in this petition, however, requires some comment. The petitioners, private respondents, and intervenors – although their rights are opposed to each other – are all of one voice in drawing my attention to the wastage of time and resources that has been occasioned by this belated realisation on the part of the AAI. Even in the affidavit now filed and the resolution of the Board of Directors dated 12.08.2025, AAI refers to restructuring which took place on 02.05.2024 and 05.12.2024. It nonetheless issued a second select list and a third select list on 23.12.2024 and 30.04.2025/01.05.2025, respectively, which proceeded on the original number of vacancies. The expectations and aspirations of candidates have thus been raised, and they have ventilated their grievances before this Court, assuming that the said number of vacancies were available. They have spent time, effort, and resources in this litigation, which would not have arisen if AAI had implemented its own policy, consistently and at the appropriate stage. It goes without saying that the Court has also consequently invested a significant amount of time in a fruitless litigation. Such conduct on the part of a statutory authority is deprecated, and AAI is directed to deposit costs of Rs.50,000/- with the Delhi High Court Bar Association, Library Fund [*A/c No. 15530100046108, Bank Name: UCO Bank, Branch: Delhi High Court, IFSC – UCBA0001553*]. Mr. Kalra is directed to ensure that

¹ (2020) 10 SCC 448, paragraph 19.



a copy of this order is placed before the Chairman, AAI, so that suitable corrective action may be taken in future cases.

14. All pending applications also stand disposed of.

PRATEEK JALAN, J

SEPTEMBER 8, 2025

'Bhupi/Jishnu' /