



2025:DHC:7002-DB



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

Date of decision: 13.08.2025

+ W.P.(C) 12052/2024 & CM APPL. 50208/2024, CM APPL.
50209/2024
PRATAP SINGH BIST

.....Petitioner

Through: Dr. Krishan Mahajan, Mr. Ajay
Kumar Chopra, Mr. Mudit
Talesara and Mr. Samarth
Talesara, Advocates.

versus

UNIVERSITY GRANTS COMMISSION

.....Respondent

Through: Mr. Manoj R. Sinha, Advocate
(through VC).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, *inter alia* challenging the Order dated 16.11.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A. 2131/2015, titled ***Pratap Singh Bist v. University Grants Commission***, and making the following prayers:

*“i. To set aside the judgment/order dated 16th
November, 2018 passed by Central*



Administrative Tribunal Principal Bench, New Delhi in O.A .no.2131/2015

ii. UGC's affidavit declaration that the blind are not suitable for the post of Education Officer be struck down as illegal

iii. UGC be directed to grant to the petitioner the five percent relaxation of marks in his post graduate degree under its March 11, 2009 circular to enable the petitioner to meet UGC's requirement of 55% in the post graduate degree for the UGC's advertised post of Education Officer or alternatively quash the March 11,2009 circular of UGC for excluding the Education Officer's post from the list of posts granted the relaxation by the circular.

iv. UGC be directed to interview the petitioner and declare the result after adding his interview marks to the marks in the interview in compliance with the Constitution bench judgment in Ajay Rasia vs Khalid Sehravardi.

v. UGC be directed to produce the reports of the Nodal Officer who is to ensure strict Implementation of the Rights of Persons with Disabilities Act,2016 as directed in2013 by the Supreme Court in UOI vs National Federation of the Blind.

vi. Costs of this litigation be awarded to the petitioner for imposing on the petitioner needless suffering arbitrarily by its litigation conduct.

Or in the alternative

a) Quash the Feb 16, 2013 advertisement of UGC inviting applications for its Education Officers posts in violation of the mandatory provisions of the 2016 Act concerning reservation of posts for the disabled.

b) Strike down as illegal the entire selection process from the advertisement to the interview in the absence of the mandatory



equal opportunity policy in compliance with S20 read with Rule 8 of the Act.

c) Strike down as illegal the selection process for changing the rules of selection in the middle of the selection process by converting the written test into a screening test after the written test but prior to the interview, declaring that the marks in the written test will not be taken into account for the final selection, resulting in a selection based 100% on the interview alone.

d) The judgment/order dated 16th November, 2018 of the Central Administrative Tribunal in O.A. no. 2131/2015 and the order dated 19th March, 2015 passed by the Chief Commissioner of Persons with Disabilities be set aside.

e) Direct the UGC to hold a fresh selection granting to the petitioner, the relaxation of marks in his post graduate degree, under its March 11, 2009 letter and holding the selection in compliance with the mandatory provisions of the Rights of Persons with Disabilities Act, 2016.

f) Award against the UGC costs of this litigation to the petitioner for imposing arbitrarily on the petitioner needless suffering by its litigation conduct.”

2. The learned counsel for the respondent, at the outset, submits that the present petition is not maintainable in view of the Order dated 06.05.2024 passed by a Coordinate Bench of this Court in W.P.(C) 3623/2019, titled **Pratap Singh Bist v. University Grants Commission**, that is the earlier petition filed by the petitioner. He submits that in the said petition, the petitioner had challenged the Order dated 16.11.2018 passed by the learned, which is the Order under challenge in the present writ petition as well. When this Court



was not inclined to interfere with the Impugned Order of the learned Tribunal, observing that the respondent had acted as per applicable Recruitment Rules and that no relaxation whatsoever in the minimum prescribed marks of 55% had been granted to even SC/ST candidate for appointment to the post of Education Officers, the learned counsel for the petitioner had sought leave to withdraw the petition with leave to file a Public Interest Litigation (hereinafter referred to as 'PIL') seeking a direction to the UGC to take appropriate steps for granting relaxation in marks and making reservation for person with disabilities in accordance with mandate under the Rights of Persons with Disabilities Act, 2016 (in short 'RPwD Act'). He submits that therefore, a challenge to the Order passed by the learned Tribunal is no longer maintainable.

3. In response, the learned counsel for the petitioner, refers to paragraph 3 of the Order dated 06.05.2024, to submit that the petitioner had been given liberty to file a fresh petition or a PIL for seeking the relief as contained in the present petition. He submits that therefore, the present petition would be maintainable. He further submits that this Court, by its Order dated 30.08.2024, had expressed an opinion that the order dated 16.11.2018 passed by the learned Tribunal deserves to be set aside. The petition was kept back only to put the respondent to notice and give it an opportunity to put forth its case. He submits that therefore, the present petition is maintainable.

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

5. The Order dated 06.05.2024 passed by this Court in W.P.(C)



3623/2019 reads as under:

“1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 16.11.2018 passed by the Central Administrative Tribunal (Tribunal) in Original Application (O.A.) no. 2131/2015. Vide the impugned order, the learned Tribunal has rejected the petitioner’s prayer for quashing of the advertisement dated 16.02.2023 inviting applications for the post of Education Officer issued by the respondent in so far as the advertisement does not grant 5% relaxation in the post graduation marks to a physically handicapped candidate, at par with the SC/ST candidates.

2. Taking into account that it is the respondent’s case that as per the applicable Recruitment Rules, no relaxation whatsoever in the minimum prescribed marks of 55% has been granted to even SC/ST candidates for appointment to the post of Education Officer, learned counsel for the petitioner seeks leave to withdraw the petition and submits that the petitioner will be filing a PIL seeking a direction to the UGC to take appropriate steps for granting relaxation in marks and making reservation for persons with disabilities in accordance with the mandate under the ‘Rights of Persons with Disabilities Act’, 2016.

3. In the light of the aforesaid, the writ petition is disposed of as not pressed by making it clear that in case the petitioner files any fresh petition or PIL for seeking the aforesaid relief, the same will be considered on its own merits.”

6. Reading of above would show that this Court was not inclined to interfere with the Order dated 16.11.2018 passed by the learned Tribunal. At that stage, the learned counsel for the petitioner had prayed for leave to withdraw the petition, with liberty to file a PIL for



a general cause of seeking a direction to the respondent to take appropriate steps for granting relaxation in marks and for making reservation for persons with disabilities in accordance with the mandate under the RPwD Act. The petition was, therefore, disposed of as not pressed, reserving liberty in the petitioner to file fresh petition or a PIL. Clearly, a second petition again challenging the Order of the learned Tribunal and seeking consequential reliefs, would not be maintainable and would be barred by principle of *res judicata*. In this regard, reference may be made to the Judgment of the Hon'ble Supreme Court in ***Sarguja Transport Service v. S.T.A.T. & Ors.***, (1987) 1 SCC 5, whereby the Supreme Court held as under:

*“9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in Daryao case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. **But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again.** While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India*



since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a different footing altogether. We, however leave this question open.”

(Emphasis Supplied)

7. In the present case, the only liberty granted to the petitioner was to file a PIL on the issues of general benefit to persons with disabilities and not to re-agitate his own challenge to the Impugned Order passed by the learned Tribunal or to the selection process.

8. We, therefore, find that the present petition is not maintainable. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 13, 2025
ssc/P/VS