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

Date of decision: 22.08.2025

+ W.P.(C) 12792/2025
VIKRAM SINGH & ORS.Petitioners
Through: Mr.Shashank Rai, Adv.
versus
DSSSB THROUGH SECRETARY & ORS.Respondents
Through: Mrs.Avnish Ahlawat, SC,
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam, Mr.Mohnish
Sehrawat, Advs.
Ms.Tajinder Virdi, SC for
MCD.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL.52209 /2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 12792/2025 &CM APPL. 52208/2025, 52210/2025

2. This petition has been filed by the petitioners, challenging the Order dated 12.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3086/2025, titled ***Vikram Singh & Ors. v. DSSSB & Ors.***, dismissing the said O.A. filed by the petitioners herein on the ground that they had approached the learned Tribunal belatedly, that is, after the cut-off date as prescribed in the Advertisement dated 04.07.2025 issued by the respondents herein for the post of Malaria Inspector.



3. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the petitioners had been working as contractual employees in the post of Assistant Malaria Inspector. Since they were on a contractual basis, they could not seek promotion to the post of Malaria Inspector, however, they were still entitled to be treated as Departmental Candidates under the Advertisement. He further submits that this Court had directed the petitioners to be regularized in service to the post of Assistant Malaria Inspector, however, on a Special Leave Petition filed by the respondents, the said direction has been stayed by the Supreme Court. He submits that, therefore, in the peculiar facts of this case, and in view of the assurance given by respondent no. 4 that suitable amendments in the Advertisement would be made, it was a fit case where the petitioners should have been allowed to participate in the selection process, subject to the outcome of the above proceedings, including the O.A. filed by them.

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

5. In ***Jitender & Ors. v. DSSSB & Anr.***, 2025:DHC:6960-DB, dealing with the same Advertisement and similar pleas, this Court, while observing that no infirmity could be found in the order of the learned Tribunal inasmuch as the petitioners had waited for the entire period of the Advertisement, commencing on 04.07.2025 and culminating on the cut-off date of 07.08.2025, before approaching the learned Tribunal, further held that the learned Tribunal had erred in disposing of the O.A. itself on the ground of delay in approaching the



learned Tribunal.

6. We quote from the said judgment as under:

“7. In the present case, the Impugned Advertisement was issued on 04.07.2025 and remained open for a period of more than a month, with the closing date being 07.08.2025. It has not been shown to us that the petitioners ever made any representation, let alone approached the learned Tribunal, to challenge the terms of the Advertisement during this period. It is only after the cut-off date, that is, on 11.08.2025, that the petitioners approached the learned Tribunal by way of the above O.A. They now seek the benefit of the interim order granted in favour of those employees who had approached the learned Tribunal prior to the cut-off date. In our opinion, the petitioners cannot claim such parity. Granting interim relief to them would open a Pandora’s box, rendering the entire selection process unviable, as many other similarly situated persons may also approach the learned Tribunal, thereby leading to repeated extensions of the cut-off date.

8. At the same time, we find that the learned Tribunal has erred in disposing of the O.A filed by the petitioners. The petitioners had specifically challenged the terms of the Advertisement. Such a challenge has to be considered by the learned Tribunal on its merits and cannot be rejected merely on the ground that the petitioners have approached the learned Tribunal a little belatedly, that is, after the cut-off date. The O.A. was within the period of limitation and, therefore, could not have been dismissed on the ground of delay and laches. Even otherwise, the challenge to the Advertisement is already pending adjudication before the learned Tribunal in the aforesaid O.As. filed by other similarly placed employees and in which interim orders have been passed. The challenge raised by the petitioners, therefore, should also be



considered by the learned Tribunal along with the other O.As.”

7. Following the above judgment, the present petition is allowed to a limited extent that the O.A. shall be restored to its original number and shall be listed before the learned Tribunal on 19.11.2025. In case the petitioners succeed in the O.A., they shall be entitled to appropriate relief in that regard from the learned Tribunal, notwithstanding the fact that they could not apply pursuant to the advertisement.

8. To expedite the adjudication of the O.A., we direct that the respondents shall file their reply to the O.A. filed by the petitioners, within a period of four weeks from today. Rejoinder thereto, if any, shall be filed by the petitioners at least one week in advance of the next date of hearing before the learned Tribunal.

9. The result of the selection process shall remain subject to the outcome of the aforesaid O.A..

10. We, however, make it clear that we have not considered the case of the petitioners on merit, and the same shall be considered by the learned Tribunal, remaining uninfluenced by any observations made by us hereinabove.

11. The petition and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

AUGUST 22, 2025/Arya/DG