



\$~49

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

+ W.P.(C) 13245/2025 & CM APPL. 54355/2025

MS. VIJETA JAIN

.....Petitioner

Through: Mr. Rajneesh Sharma, Mr. P.K. Garg, Mr. Mohd. Osama, Mr. Abdul Ahad, Advocates.

versus

KENDRIYA VIDYALAYA SANGATHAN

.....Respondent

Through: Mr. S. Rajappa, Mr. R. Gouri Shankar, Ms. G. Dhivyashi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

29.08.2025

%

1. This writ petition, under Article 226 of the Constitution, is filed by the petitioner, who is a person with disability, seeking the following reliefs:

“(a) Issue Writ of Mandamus or any other Writ, order or direction to declare the result for the posts of PRINCIPAL against the reserved category “OTHERS” as per Section 34 of Rights of Persons with Disabilities Act 2016 read with Rule 11 of Rights of Persons with Disabilities Rules 2017 as well as DOPT OM No. 36035/02/2017-Estt.(Res) dated 15.1.2018.

(b) Issue Writ of Mandamus or any other Writ, order or direction to declare the result for the posts of VICE PRINCIPAL against the reserved category “OTHERS” as per Section 34 of Rights of Persons with Disabilities Act 2016 read with Rule 11 of Rights of Persons with Disabilities Rules 2017 as well as DOPT OM No. 36035/02/2017-Estt.(Res) dated 15.1.2018; and

(c) Pass any further orders that this Hon'ble Court may deem fit and proper in light of the facts and circumstances of the present case.”



2. At the very outset, it may be noted that the respondent is a notified entity under the Administrative Tribunals Act, 1985. Mr. Rajneesh Sharma, learned counsel for the petitioner, therefore seeks permission to withdraw the writ petition with liberty to approach the Central Administrative Tribunal [“the Tribunal”].

3. However, Mr. Sharma submits that the relief sought is limited to a declaration of the result for the post of Principal and Vice Principal against a reserved category post. He submits that the respondent may consider the writ petition as a representation and take necessary steps in accordance with law.

4. Mr. Sharma also states that similar issues have been considered by this Court in various decisions, particularly in the judgment in *National Federation of the Blind v. Kendriya Vidyalaya Sangathan & Ors.* [W.P.(C) 9520/2018, decided on 16.10.2023]. It may be noted that the judgment was delivered in a Public Interest Litigation. Be that as it may, it is always open to the petitioner to cite the said judgment before the Tribunal in support of her contention.

5. Mr. S. Rajappa, learned counsel for the respondent, who appears on advance notice, has no objection to the writ petition being treated as a representation, insofar as any action is required in favour of the petitioner personally.

6. Having regard to these submissions, the writ petition, alongwith pending application, is dismissed as withdrawn, with liberty to the petitioner to approach the Tribunal. However, the respondent may consider the issue of the petitioner’s entitlement and respond to the same within four weeks from today. In the event the respondent’s decision is



adverse to the petitioner, or if the petitioner receives no communication within the stipulated time, she may approach the Tribunal.

AUGUST 29, 2025
“Bhupi/KA”/

PRATEEK JALAN, J