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

Date of decision: 01.09.2025

+ W.P.(C) 13304/2025

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Dr. Divya Swamy, SC for
MCD, Mr Yagyawalkya Singh,
Ms Ananya Y, Ms. Akriti
Singh, Mr. Rishav Ranjan,
Advs.

versus

ATIFA TASLEEMRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 54577/2025

1. Allowed, subject to all just exceptions.

**W.P.(C) 13304/2025 & CM APPL. 54575/2025, CM APPL.
54576/2025**

2. This petition has been filed, challenging the Order dated 11.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 259/2017, titled *Atifa Tasleem v. South Delhi Municipal Corporation & Ors.*, whereby the learned Tribunal allowed the O.A.



filed by the respondent herein and directed the petitioner to offer appointment to the respondent, as a Physically Handicapped Candidate, to the post of Medical Officer Unani.

3. The limited challenge raised by the petitioner to the Impugned Order is that the respondent stood second in the Physically Handicapped (PH) Category, and therefore, the learned Tribunal erred in directing the petitioner to offer employment to the respondent instead of the candidate who had secured the first position in the said category.

4. The learned Tribunal, while rejecting this submission of the petitioner, has observed that more than eight years had elapsed since the declaration of the result of the selection process, and the candidate who stood first in the PH category had neither challenged the same nor made any representation to the petitioner against his/her non-selection.

5. In those peculiar facts, the learned Tribunal accepted the plea of the respondent that though she was placed at serial no. 2 in the merit list, she deserves to be appointed in the category of PH candidate.

6. We find no infirmity in the direction issued by the learned Tribunal. The selection process had been initiated with the Advertisement/Public Notice dated 23.11.2016, and the result thereof had been declared on 05.12.2016. The candidate who stood first in the PH category, did not challenge the same, whereas the respondent challenged it by filing the above O.A. on 16.01.2017 and has been diligently pursuing the litigation for over eight years.

7. We, therefore, do not deem it appropriate to interfere with the



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direction issued by the learned Tribunal, in exercise of our powers under Article 226 of the Constitution of India.

8. The petition, along with the pending applications, is accordingly, dismissed. The petitioner shall comply with the order of the learned Tribunal within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 1, 2025/ys/K/DG