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

Date of decision: 14.10.2025

+ W.P.(C) 14587/2025 & CM APPL. 59841/2025
KENDRIYA VIDYALAYA SANGATHAN & ORS.

.....Petitioners

Through: Mr.Shubhranshu Padhi,
Mr.Ashish and Mr. Ritik
Sharma, Advs.

versus

SOAMYA MALAVIYA & ANR.Respondents

Through: Mr.Kripa Shankar Prasad and
Mr.Harsh Jain, Advs.

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 petitioners, challenging the Order dated 25.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.3637 /2018, titled ***Soamya Malaviya & Anr. v. Kendriya Vidyalaya Sangathan Through its Chairman/ Commissioner & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondents herein, with the following directions:

"20. In view of the above and on serious consideration, we are of the opinion that the action of the respondents deserves to be



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quashed and the OA deserves to be allowed. Hence the OA is allowed with a direction to the respondents to consider the case of the applicants for joining to the post of PGT (Computer Science) as per their merit position on the waiting panel along with notional consequential benefits except back wages within a period of three months from the date of receipt of a certified copy of this order. No costs."

2. The petitioners issued Advertisement No. 11 dated 21.09.2016 for Recruitment to the post of Principal and other Teaching Positions in the Kendriya Vidyalaya Sangathan. A total of 78 vacancies were advertised for the post of Post Graduate Teacher (PGT) (Computer Science), out of which 50 were unreserved, 8 were reserved for SC, 5 for ST, and 15 for OBC.

3. After the conduct of the Written Examination, the final panel consisting of 110 selected candidates under the Main Panel and 28 candidates under the Reserve Panel was approved on 19.09.2017, and subsequently published only on 05.10.2017.

4. In terms of Rule 7 (5) of the Kendriya Vidyalaya Sangathan (Appointment, Promotion, Seniority, etc.) Rules, 1971, the petitioner is mandated to prepare a reserve panel for both, direct recruits and promotes, to the extent of 50% of the main panel, so as to cover the contingencies of dropouts or refusals during the validity of the panel.

We quote the Rule as under:

"A reserve panel both for direct recruits and promotes to the extent of 50% of the main panel shall also be prepared while preparing the panels of these selections, so as to cover



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the contingency of drop outs or refusals during the validity of the panel.”

5. The petitioners admittedly operated the Reserve Panel on 04.06.2018 in respect of 17 candidates under the UR category.
6. It is also admitted that out of these 17 candidates, 9 candidates did not join.
7. However, even before the expiry of the validity of the Reserve Panel, the petitioners issued Advertisement No. 14 on 14.08.2018 (wrongly mentioned as 28.08.2018 in the Impugned Order), inviting fresh applications. It is further admitted that the vacant posts of the subject advertisement were also included in the said advertisement.
8. The learned counsel for the petitioners submits that, due to administrative reasons, the Reserve Panel could not be operated further, inasmuch as the petitioners were required to collect information regarding the joining/non-joining of candidates, which took some time; certain candidates were granted an extension of time to join their places of posting for various reasons, which again caused a delay in compiling the final information regarding the status of joining/non-joining of the candidates. He submits that, in the meantime, the validity of the Reserve Panel had expired in terms of the O.M. dated 10.04.1989, issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training.
9. He further submits that the new panel prepared pursuant to the Advertisement dated 14.08.2018, was approved on 25.02.2019, that is,



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much after the expiry of the Reserve Panel under the previous recruitment process, and therefore, no fault can be found in the actions of the petitioners.

10. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that even before the expiry of the validity of the Reserve Panel, the petitioners had issued a fresh Advertisement No. 14 dated 14.08.2018, advertising the leftover vacancies of the previous recruitment process. He submits that the Reserve Panel could not have been rendered infructuous in this manner. He further submits that the unilateral extensions granted by the petitioners to certain candidates, cannot defeat the rights of the respondents, who were placed at Serial Nos. 18 and 21 of the Reserve Panel.

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

12. From the above, the factual matrix is almost admitted, that is, the Reserve Panel was prepared on 19.09.2017, though published only on 05.10.2017. Even before the expiry of its one-year validity period, the petitioners proceeded to issue Advertisement No. 14 dated 14.08.2018, calling for fresh applications to the said posts, including for the leftover vacancies of the subject advertisement. The plea of the petitioners that they were compiling data regarding the joining/non-joining of the candidates, therefore, cannot be accepted. Even otherwise, unilateral extensions granted by the petitioners cannot defeat the rights of the respondents, who were placed in the Reserve



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Panel.

13. The purpose of operating a Reserve Panel is not only for the benefit of the petitioners, but also for the candidates included therein, who, in the legitimate expectation that the Reserve Panel would be operated in accordance with law, await an offer of appointment after having participated in the selection process and being successful in the same.

14. The learned Tribunal, in its Impugned Order, has, therefore, rightly observed as under:

“18. The factual facts are not in dispute. The result of the selection process conducted under Advertisement No.11 was published on 05.10.2017. As per the Kendriya Vidyalaya Sangathan (Appointment, Promotion, Seniority, etc.) Rules, 1971, Rule 7 (5) Preparation of Select Panels, quoted by us above, the life of the waiting panel is one year. The applicants were at SI. No.18 and 21 of the said waiting panel. Before the expiry of the waiting panel the 2nd Advertisement No.14 was published on 28.08.2018. The very publication of the next Advertisement shows that the respondents have closed the earlier recruitment cycle without waiting for the waiting panel period to expire. It is the applicants, who were at SI. No.18 and 21 of the waiting panel who have been put to loss. The respondents were expected to conduct the selection process in terms of their Rules. They have not done so.

19. We find the action of the respondents in violation of the KVS Rules itself. The decision of the Apex Court relied upon by the counsel for the respondents is distinguishable since both the decisions pertain to the right of the selected candidates. There is no doubt that the candidate who finds his name in the select



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panel does not acquire any vested right for appointment, however, he does acquire a right for consideration. Being on the waiting panel, the applicant did have a right to be considered in case the need had arisen before the expiry of the time of waiting panel. This valuable right of the selected candidates has been curtailed by the respondents by their impugned action.”

15. We do not find any infirmity in the observation made by the learned Tribunal or in its eventual direction.

16. We, therefore, find no merit in the present petition. The same, along with the pending application, is accordingly, dismissed.

17. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 14, 2025/sg/Yg