



2025:DHC:10042-DB



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

Reserved on: 06.10.2025

Pronounced on: 17.11.2025

+ **W.P.(C) 15243/2025 & CM APPL. 62490/2025**

KENDRIYA VIDYALAYA SANGATHANPetitioner

Through: Mr. U.N. Singh, and
Ms.Sandhya Chaturvedi, Advs.

versus

ARUSHI TANWARRespondent

Through: Mr. M. K. Bhardwaj, Ms.
Sanya Narula, Mr. Praveen
Kaushik, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 13.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 3985/2023, titled *Arushi Tanwar v. Kendriya Vidyalaya Sangathan & Anr.*, whereby the said O.A. filed by the respondent herein was allowed with the following directions:

"7. In the light of the above, we are of the considered opinion that the balance of convenience in the instant OA clearly lies with the applicant. By depriving the opportunity of being interviewed to the applicant, the respondents have caused great injustice and prejudice to the applicant's career prospects.



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Accordingly, we quash and set aside the impugned order of KVS dated 04/05 December, 2023 and direct the respondents to consider the candidature of the applicant for appointment to the post of Primary Teacher, KVS in UR category by calling her for the interview and if found suitable on merit and medical grounds, give her the appointment with all consequential benefits on notional basis. The above process should be completed within a period of two months from the date of receipt of a certified copy of this order.”

BRIEF FACTS:

2. The brief facts leading to the filing of the present petition are that the petitioner had issued Advertisement No. 16/2022 for Direct Recruitment to the post of Primary Teacher in Kendriya Vidyalaya Sangathan (hereinafter referred to as, ‘KVS’). As per the advertisement, a total of 6414 vacancies were notified, comprising 2599 for Unreserved (UR) Category, 1731 for OBC (Non-Creamy Layer) Category, 962 for SC Category, 481 for ST Category, and 641 for EWS Category.

3. Pursuant to the said advertisement, the respondent, possessing the requisite educational qualifications, namely Senior Secondary qualification, Diploma in Elementary Education (D.El.Ed.), and having qualified Central Teacher Eligibility Test (CTET) conducted by the competent authority, in addition to holding a Bachelor’s degree from the University of Delhi, applied for the post of Primary Teacher under the OBC (NCL) Category.



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4. The eligibility of the applicant was examined by the petitioner in accordance with the terms of the advertisement and the applicable Recruitment Rules. On being found eligible, she was issued an Admit Card to appear in the Computer Based Test (in short, 'CBT') held on 28.02.2023. It is not disputed that the respondent had applied under the OBC (NCL) category on the basis of a certificate issued by the Government of NCT of Delhi. Consequently, her Admit Card also reflected her category as OBC (NCL). The respondent appeared in the said examination, and as per the result declared on 19.10.2023, she secured 152.0086 marks. The cut-off marks for the various categories were declared, with 135.0913 marks for the UR Category and 127.2476 marks for OBC (NCL) Category.

5. On the basis of her performance in the CBT, the respondent's name was included in the list of shortlisted candidates *vide* Notice No. F.11053/1/2022/KVS/RPS/1057 dated 19.10.2023. She was also issued an interview call letter dated 06.11.2023, directing her to appear for the interview.

6. The respondent reported at the interview venue along with all the requisite documents, as specified in the interview call letter. She was subjected to manual as well as biometric attendance verification, and upon her identity being verified, she was permitted to proceed for document verification.

7. The officials of the petitioner examined her original documents



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and found them to be in order at the initial stage; however, she was subsequently informed that her caste certificate could not be accepted as it did not find mention in the Central Government List of OBCs.

8. The respondent contends that she immediately requested that since her marks were higher than the cut-off marks for the UR Category, her candidature may be considered under the UR Category. She further stated that she would produce the necessary certificate as required.

9. The respondent alleged that when she sought a written communication regarding her non-consideration, the petitioner declined to issue any such document and orally informed her that no decision could be taken without directions from higher authorities. It is further alleged that, at the venue, a PCR call was also made and the local police officials attended the site. The respondent is also stated to have sent e-mails to the Commissioner, KVS, and other senior officials on 08.11.2023, which were duly received, but no action was taken to allow her participation in the interview held till 09.11.2023.

10. Aggrieved thereby, the respondent filed O.A. No. 3560/2023 before the learned Tribunal. The said O.A. was disposed by order dated 10.11.2023 with direction to the petitioner to take an appropriate decision on the respondent's case within ten days, in light of the Judgment of the High Court of Punjab and Haryana dated 14.12.2020 in CWP No. 10675/2020.



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11. Pursuant to the liberty granted to the respondent to make a representation, the respondent submitted a detailed representation dated 11.11.2023 through e-mail, followed by another representation dated 13.11.2023, requesting that her candidature be considered under the UR category. In the meantime, the results for the post of Primary Teacher were declared by the petitioner on 27.11.2023. The respondent thereafter addressed another letter dated 02.12.2023 along with a copy of the learned Tribunal's order, seeking consideration and appointment against the available vacancies for the post of Primary Teacher. However, by order dated 04/05.12.2023, the petitioner rejected her request, observing that her application could not be considered as her caste certificate was not in accordance with the Central Govt. List of OBCs, and that she could not be reclassified under the UR Category at that stage.

12. Aggrieved by this rejection, the respondent approached the learned Tribunal by way of O.A. No. 3985/2023, for setting aside the order dated 04/05.12.2023 and seeking a direction to consider her candidature in the UR Category. The learned Tribunal, by its Impugned Order dated 13.09.2024, allowed the said O.A. and issued the abovementioned directions.

13. Aggrieved thereby, the petitioner has preferred the present petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

Signature Not Verified

Signed By:RENUKA W.P.(C) 15243/2025
NEGI
Signing Date:17.11.2025
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14. The learned counsel submitted that paragraph viii (t) of the advertisement explicitly provided that no change in particulars such as category, date of birth, name, father's name, or gender would be permitted at any stage after successful registration of the online application. It was further provided that the result would be processed strictly in accordance with the particulars furnished by the candidate at the time of registration.

15. The learned counsel further submitted that paragraph (vii) (h) of the Advertisement, under the heading '*How to Apply*', advised candidates to ensure accuracy in filling the details such as name, parentage, date of birth, caste, and gender as reflected in their Class X certificates. The advertisement specifically cautioned that requests for change of particulars, particularly category or sub-category, would not be entertained either after the examination or at the stage of interview. It was submitted that the respondent, having voluntarily declared her category as OBC (NCL), was bound by the terms of her application.

16. The learned counsel submitted that, notwithstanding these categorical stipulations, the petitioner-KVS, had provided a one-time correction window to the candidates between 06.01.2023 (2:00 p.m.) to 08.01.2023 (00:59 hrs.), enabling them to rectify any inadvertent errors in their online forms, except for immutable details such as application number, mobile number, and e-mail ID. The said window was duly notified on the recruitment portal, with a clear caveat that no



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request for change would be entertained once the said period was over. The respondent did not avail of this opportunity to correct her category and therefore cannot seek any relaxation at this belated stage.

17. The learned counsel further contended that the learned Tribunal's decision, if allowed to stand, would expose the petitioner organization to a multiplicity of similar claims from other candidates seeking retrospective category changes, thereby unsettling the entire recruitment framework and imposing unnecessary administrative and financial burden on the exchequer.

18. The learned counsel for the petitioner further placed reliance on the decision of the Hon'ble Supreme Court in *Jarnail Singh & Ors. v. Lachhmi Narain Gupta & Ors.*, (2018) 10 SCC 396, to contend that the principles governing reservation and category determination must be applied strictly in accordance with the constitutional and statutory framework, without permitting any relaxation or deviation beyond what is expressly provided.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

19. The learned counsel for the respondent submitted that the objection raised by the petitioner regarding the respondent's OBC certificate at the interview stage was untenable. It was submitted that the issue of non-availability of a Central Govt. List of OBCs certificate was irrelevant in the present case, as the respondent had



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secured marks well above the cut-off prescribed for the UR Category. Reliance was placed on the judgments of the Supreme Court in *Indra Sawhney & Ors. v. Union of India & Ors.*, 1992 Supp (3) SCC 217; and *Ajit Singh & Ors. v. State of Punjab & Ors.*, (1999) 7 SCC 209, to contend that every candidate, regardless of category, is entitled to be considered against general vacancies on merit.

20. It was further submitted that the petitioner could not take advantage of their own inaction or error in treating the respondent solely under the OBC Category. The respondent had, at the time of the interview, requested that she be considered under the UR Category and had even offered to furnish an undertaking to that effect, waiving any claim to reservation benefits.

21. The learned counsel further urged that the action of the petitioner amounted to a violation of the principles of natural justice and the doctrine of promissory estoppel, inasmuch as the candidature of the respondent was effectively cancelled without issuance of any show cause notice or providing her an opportunity to be heard.

22. The respondent asserted that she fulfilled all the prescribed qualifications and had secured marks higher than the cut-off for all categories, including the UR Category, as notified in the result dated 19.10.2023. Hence, denial of opportunity to her to appear in the interview was without authority or justification.



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23. The respondent further submitted that though she possessed a valid OBC certificate issued by the Government of NCT of Delhi, she did not seek or avail any relaxation or benefit on that basis in the recruitment process. Having secured marks above the UR Category cut-off, she only sought consideration of her candidature in the UR Category on merit.

24. The learned counsel for the respondent further placed reliance on the judgment of the Supreme Court in *Samta Aandolan Samiti & Anr. v. Union of India & Ors.*, (2014) 14 SCC 745.

FINDINGS AND ANALYSIS:

25. We have considered the submissions made by the learned counsels for the parties and perused the record.

26. The limited question that arises for consideration in the present petition is whether the learned Tribunal was justified in directing the petitioner to consider the candidature of the respondent for appointment to the post of Primary Teacher in the UR Category, notwithstanding the fact that her application had been submitted under the OBC (NCL) Category.

27. It is an admitted position that the respondent had applied pursuant to Advertisement No. 16 dated 02.12.2022, issued by the petitioner, for recruitment to the post of Primary Teacher. It is also undisputed that she fulfilled all the educational qualifications



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prescribed in the advertisement, and had been issued an Admit Card to appear in the CBT held on 28.02.2023. As per the result declared on 19.10.2023, she secured 152.0086 marks, whereas the cut-off for the UR Category was 135.0913.

28. The record reveals that though the respondent had applied under the OBC (NCL) Category on the basis of a certificate issued by the Government of NCT of Delhi, she did not seek or avail any relaxation in age, fee, or qualifying marks. Having obtained marks higher than the cut-off prescribed for the UR Category, she requested that her candidature be considered against UR Category. However, she was denied participation in the interview on the ground that her caste did not figure in the Central Govt. List of OBCs and that no change of category was permissible after submission of the application form.

29. The learned Tribunal, upon due consideration of the record, found that the respondent had been unjustly deprived of her opportunity to appear in the interview, despite her merit position, entitling her to consideration under the UR Category. The learned Tribunal observed that once a candidate qualifies on merit without availing any reservation benefit, her candidature cannot be rejected merely because she had applied under a reserved category.

30. This Court finds merit in the reasoning adopted by the learned Tribunal. The principle that a candidate belonging to a reserved category, who qualifies on general standards, is entitled to be



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considered against unreserved vacancies, stands well settled in law. In *Indra Sawhney* (supra), and reaffirmed in *R.K. Sabharwal & Ors. v. State of Punjab & Ors.*, (1995) 2 SCC 745, and *Jitendra Kumar Singh & Anr. v. State of Uttar Pradesh & Ors.*, (2010) 3 SCC 119, the Supreme Court has consistently held that reserved category candidates securing marks higher than the last unreserved candidate are entitled to be adjusted in the general category. Such consideration does not amount to change of category but only indicates recognition of their position in the overall merit list.

31. In this context, reference may also be made to the decision of the Supreme Court in *Samta Aandolan Samiti* (supra), wherein it was reiterated that recruitment authorities are obliged to ensure that all the eligible and meritorious candidates receive fair consideration. The Court emphasized that procedural technicalities cannot be invoked to deny the substantive right of participation and consideration, particularly where the candidate otherwise satisfies the eligibility criteria.

32. Applying the above principle to the facts of the present case, it is evident that the respondent had secured 152.0086 marks, which were higher than the cut-off marks for the UR Category (135.0913). Thus, the respondent's candidature ought to have been considered on merit under the UR Category, irrespective of her having originally applied under the OBC (NCL) Category. The denial of her right to



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participate in the interview solely on the ground that her OBC certificate did not find place in the Central Govt. List, was therefore unjustified and contrary to settled law.

33. The reliance placed by the petitioner on clauses of the advertisement barring post-submission change of particulars, is misplaced. The respondent did not seek any change in her declared particulars but merely sought consideration of her merit in the UR Category, which is not inconsistent with the recruitment terms. The bar on change of category operates to prevent a candidate from retrospectively claiming reservation benefits not originally sought, but it cannot be invoked to deny fair consideration on merit.

34. The plea of the petitioner that permitting such consideration would open floodgates of claims, is equally untenable. The entitlement of a reserved category candidate to be considered on merit is not a concession but a constitutional principle flowing from Articles 14 and 16 of the Constitution of India. The same does not disturb the reservation framework but, rather, ensures that merit-based selection is not curtailed by procedural rigidity.

35. The contention that the respondent was not entitled to participate in the interview due to lack of a Central Govt. List of OBCs certificate, is also unsustainable. The requirement of a valid OBC (NCL) certificate would have been relevant only if the respondent had sought to claim reservation benefits. Once she stood



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qualified on merit, that deficiency became immaterial for the purpose of consideration of her application in the UR Category.

36. This Court, therefore, finds no infirmity or perversity in the Impugned Order dated 13.09.2024 in O.A. No. 3985/2023 passed by the learned Tribunal. The Order is well-reasoned, based on established principles of service jurisprudence, and warrants no interference under Article 226 of the Constitution of India.

37. Accordingly, the Writ Petition along with the pending application, is dismissed. The petitioner is directed to comply with the directions of the learned Tribunal within a period of eight weeks from the date of passing of this order.

38. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

NOVEMBER 17, 2025/P/Yg