



2025:DHC:10724-DB



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

Date of decision: 01.12.2025

+ W.P.(C) 16697/2024

SH. MAHAVEER AND ORSPetitioners

Through: Petitioner no.1 in person

versus

GOVT. OF NCT OF DELHI AND ORSRespondents

Through: Mrs. Avnish Ahlawat, SC with
Mr.Nitesh Singh, Ms.Aliza
Alam, Mr.Mohnish Sehrawat,
Advs. for R-1, 2 & 4.

Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advs. also for
R- 1, 2 and 4.

Ms. Sriparna Chatterjee, ASC
for NDMC with Mr. Soumitra
Chatterjee and Mr. Manish,
Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 29.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1121/2017, titled *Sh.Mahaveer & Ors. v. Govt. of NCT of Delhi & Ors.*, dismissing the said O.A. filed by the petitioners herein.



2. As a brief background of the facts in which the present petition arises, the petitioners had filed the above O.A. contending therein that they had applied for the post of Draftsman (Civil) Grade-III, advertised by the respondent no.1 *vide* an Advertisement issued in March, 2017, with the examination notified to be held on 09.04.2017. The petitioners were in possession of the National Trade Certificate in the trade of Draftsman (Civil), which in terms of the clarifications issued by the Deputy Director, Directorate General of Training, Ministry of Skilled Development and Entrepreneurship, Government of India, *vide* Clarificatory Letters dated 02.05.2017, 18.12.2017 and 22.01.2018, was to be treated as an equivalent to the Diploma in Draftsmanship (Civil), which was the requirement under the then prevalent Recruitment Rules and the Advertisement for the post.
3. The petitioners also placed reliance on the Clarificatory Letters dated 23.08.2018, 18.12.2017, and 03.01.2018 issued by the Secretary, NDMC and the Letter dated 01.02.2011 issued by the Director (P), NDMC to the respondent no.2 in this regard.
4. The learned Tribunal, however, by its Impugned Order, has dismissed the O.A., observing as under:

“13. We are in disagreement with the submissions of the applicants. Hon’ble High Court has held that applicant no. 1, herein was at Sl. No. 3 in the list of SC candidates. The two SC candidates above him were also not issued the offer of appointment, due to their possessing National Trade Certificate in Draftsmanship which was not as per the requirement of the recruitment rules. Given the specific finding of the Hon’ble High Court, in the case of the applicant, no relief in this OA can be granted.”



14. At this, after the order was dictated in court, the counsel for the applicants submitted that they had approached the Hon'ble High Court in a review petition challenging the order of the court in Writ petition 1381/2013 as well as had approached the Hon'ble Supreme court by filing an SLP also. Both petitions were dismissed. As such the findings arrived at by Hon'ble High Court in the Writ petition 1381/2013, specifically for the applicant no.1 have become final."

5. The petitioner no.1, who appears in person, while relying upon the above communications from the Directorate General of Training as also the NDMC, submits that though the advertisement in question had stipulated the Diploma in Draftsmanship (Civil) as essential qualification, the National Trade Certificate, being equivalent thereto, should have been accepted by the respondent no.2 as meeting the required qualification. He submits that even the User Department/NDMC/respondent no.3 had been consistently writing to the respondent no.2/DSSSB that the National Trade Certificate meets the essential qualification prescribed in the Recruitment Rules and the Advertisement. He submits that the respondent no.2, therefore, could not have ignored the clarifications issued by the User Department.

6. Ms. Sriparna Chatterjee, the learned counsel appearing for the respondent no.3 supports the case of the petitioners and states that the National Trade Certificate is considered equivalent to the Diploma and, therefore, there was no need for the amendment in the Recruitment Rules for the post of Draftsman (Civil). She submits that it was only due to insistence of the respondent no.2/DSSSB that the



Recruitment Rules were amended in the year 2015 to bring about clarity on this aspect, however, the respondent no.3/NDMC still requested the respondent no.2/DSSSB to complete the selection process by treating the National Trade Certificate as meeting the educational qualification for the said post in the previous recruitment process as well.

7. On the other hand, the learned counsel for the respondent no.2 submits that the petitioners cannot be allowed to re-agitate this issue, which already stands decided by the dismissal of earlier Writ Petition filed by the petitioners, being W.P.(C) 1381/2013, titled ***Mahaveer v. Govt. of NCT of Delhi and Ors.*** The Review Petition thereagainst has also been dismissed by this Court, and the Special Leave Petition against the order passed in the Writ Petition and the Review Petition was also dismissed by the Supreme Court. He submits that the petitioners cannot be allowed to re-agitate these issues in the form of a fresh O.A. and, therefore, their O.A. has rightly been dismissed by the learned Tribunal by way of the Impugned Order.

8. We have considered the submissions made by the petitioner no.1, who appears in person, and by the learned counsels for the respondents.

9. The issue as to whether the National Trade Certificate can be considered as equivalent to the Diploma in Draftsmanship and the effect thereof, have been agitated before this Court in W.P.(C) 6947/2012, titled ***DSSSB v. Sanjeev Kumar and Ors*** and in W.P.(C) 1381/2013, titled ***Mahaveer v. Govt. of NCT of Delhi and Ors.*** These Writ Petitions were disposed of by this Court by a Common Judgment



dated 09.04.2013, observing as under:

“6. We agree with the stand taken by the Board that unless NDMC amends its Recruitment Rules it would be impermissible to include the National Trade Certificate in Draftsmanship as a valid eligibility degree for the reason an advertisement has to conform to the Recruitment Rules. In the absence thereof what would happen would be that large number of candidates possessing the National Trade Certificate in Draftsmanship, thinking that they are ineligible, may not even apply. To make eligible those who take a chance would amount to denying fair opportunity to the others.”

10. The Writ Petitions were disposed of by this Court, with the following directions:

“7. Thus, as regards WP(C) 6947/2012, we allow the same and quash the order dated May 25, 2012 but simultaneously direct NDMC to forthwith amend its Recruitment Rules in conformity with its stand taken before not only the Board but even the Tribunal, which stand is reiterated before us today. Selection process be completed thereafter. Needless to state a fresh advertisement would be issued.

8. As regards WP(C) No.1381/2013, we find that the controversy pertains to Mahaveer, a SC candidate laying a claim that since 02 SC candidates above him have not shown any interest in seeking appointment, he being at No.3 at the select panel should be appointed against one of the two posts reserved for SC candidates.

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10. However, no relief can be granted to him because he seeks relief on the strength of possessing National Trade Certificate in Draftsmanship, a qualification which cannot



make him eligible till the Recruitment Rules are amended. As a matter of fact we find that the two SC candidates above him in order of merit also sought eligibility on the strength of possessing National Trade Certificate in Draftsmanship. The fact that when appointment was denied to them because they were not possessing the Diploma in Draftsmanship (Civil) they did not approach the Tribunal would not mean that on the reasoning of Mahaveer he should be given appointment. On his reasoning, the only direction could be that at the first instance letters offering appointment should be issued to the two empanelled candidates above him.

11. Accordingly, WP(C)1381/2013 is dismissed.”

11. The Review Petitions filed thereagainst, being R.P. No.312/2013 in W.P.(C) 6947/2012 and R.P. No.313/2013 in W.P.(C) 1381/2013, also came to be dismissed by this Court by separate orders dated 31.05.2013. The Special Leave Petitions (Civil) filed thereagainst also stand dismissed by the Supreme Court.

12. In our view, the petitioners could not have re-opened the said issue by filing a fresh O.A. before the learned Tribunal; the same being barred by the principle of *res judicata*.

13. As far as the subsequent amendment to the Recruitment Rules by the NDMC is concerned, the same also cannot be a sufficient ground to re-open the closed issue with respect to the selection process. We may herein, only for completeness of the record, note that in another Writ Petition, being W.P.(C) 4127/2013, titled ***Delhi Subordinate Services Selection Board & Anr. v. Ranbir Singh &***



Anr., a Division Bench of this Court, by its Judgment dated 22.04.2016, had directed as under:

“8. The question would be whether the certificate in question is equivalent to the diploma as stipulated in the Recruitment Rules. In case the certificate in question is equivalent to the diploma as prescribed in the Recruitment Rules, then the certificate holder cannot be disqualified and would be eligible. However, in case the certificate is not equivalent to the diploma as prescribed in the Recruitment Rules, the said candidate would be disqualified. In the latter case/situation, it may be desirable to follow the mandate in Sanjeev Kumar & Ors. (supra), i.e., to amend and update the Recruitment Rules to make them contemporaneous. However, if the certificate is found and held to be equivalent, then amendment etc. would not be required and necessary. Care and caution should be exercised by the first petitioner when advertisements are published for posts with similar eligibility requirements. Had caution been exercised and the judgments of this court considered, this controversy and litigation would not have arisen.

9. Learned counsel for the petitioners has submitted that the question of equivalence should not be determined and decided on the basis that in 1996 or by mistake or error earlier, the certificates awarded by the National Council for Vocational Training were accepted without examining the question of equivalence. We accept and recognize that law does not recognise the principle of negative equality. However, in case the said exercise of equivalence has been undertaken and it was held that the certificate in question was equivalent to the diploma, different consequences could follow. It is also equally true that in the case of administrative decisions, for good and sufficient grounds a



different decision can be taken and the principle of no review is not applicable.

10. In view of the aforesaid position, we dispose this writ petition directing the Government of NCT of Delhi to examine the question of equivalence and thereafter proceed and decide the question of eligibility. We clarify that we have not given any specific direction to the Government on any aspect and it is open to the Delhi Government to proceed in accordance with law. With regard to the direction given by the Tribunal in paragraph (iii), we again leave it open to the government to decide.”

14. Alleging non-compliance with the above direction, as the respondent no.2 herein was not giving appointment to the petitioners therein, a contempt petition came to be filed, being CONT.CAS (C) 633/2017, titled **Ranbir Singh v. Rajesh Bhatia & Ors..** By an Order dated 14.01.2021 passed therein, the learned Single Judge of this Court, *inter alia*, observed as under:

“9. In the circumstances, it would be fair that the respondents declare the result only in respect of the petitioner. Appropriate orders/action in this regard shall be passed/taken by the respondents within ten weeks from today.”

15. This order was challenged by the respondents herein in appeal, and the learned Division Bench of this Court, in LPA 80/2021, titled **Secretary Delhi Subordinate Services Selection Board DSSSB & Anr. v. Ranbir Singh & Anr.**, while allowing the appeal, held that the learned Single Judge had acted beyond the scope of jurisdiction, and gone contrary to the direction issued by the Division Bench of this



Court in its earlier judgment. The Court observed as under:

“11. Having heard learned counsels and perused the record, we are of the view that the impugned order goes beyond the scope of jurisdiction of the Court under Article 215 of the Constitution or jurisdiction vested by the Contempt of Courts Act, 1971. As to whether, or not, the contempt was made out, depended on the determination of the issue whether there was non-compliance of the direction issued by the Division Bench while deciding the W.P.(C) 4127/2013 on 22.04.2016. We have already set out hereinabove the relevant extract of the said decision. In the ultimate analysis, the Division Bench left it open to the Government of NCT of Delhi to take its own decisions. There was no direction to the GNCTD to implement the judgement/order passed by the Tribunal in favour of the respondent. In fact, the effect of the directions issued by the Division Bench, particularly in para-10, was to leave it open to the Government to take its own decisions after examining the aspect of equivalence, which the Government has so done.”

16. Given the above, even the benefit of this subsequent judgment cannot be extended to the petitioners.

17. We, therefore, find no merit in the present petition. The same, is accordingly, dismissed.

18. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 1, 2025/Arya/SJ