



\$~96

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

+ W.P.(C) 1219/2025 and CM APPL. 5984/2025

SUMAN

.....Petitioner

Through: Ms. Shailja Nanda Mishra, Adv.

versus

BHARATI COLLEGE AND ORS

.....Respondents

Through: Ms. Monika Arora, Adv. with Mr. Subhradeep Saha, Mr. Prabhat Kumar and Ms. Radhika K., Adv. for R-1 & 2.

Mr. Mohinder J.S. Rupal, Ms. Aishwarya Malhotra & Mr. Hardik Rupal, Advocates for DU.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

31.01.2025

1. The reliefs sought in this petition under Article 226 of the Constitution, are as follows:

“a) Declare that the Petitioner is the rightful and selected candidate for the post of Assistant Professor, Political Science (SC Category) from the date of the result.

b) Direct the Respondents to issue joining letter and allow the petitioner to join as Assistant Professor, Political Science, (SC Category) in Bharti College of DU, on the post fallen vacant due to termination of Ms. Ankita Kilsan, advertised vide advertisement No. Bharati/Teaching/2023/1781 dated 16.02.2023, along-with full consequential benefits from the date of result.

c) Award the cost of the writ petition to the petitioner.

d) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The petitioner applied for the post of Assistant Professor (Political Science) under the SC reserved category, for which two posts were



reserved, pursuant to an advertisement dated 16.02.2023 issued by respondent No. 1-College. The result was declared on 23.11.2023, in which the petitioner was placed at serial No. 1 in the waitlist under the SC category. Respondent No. 8 herein was one of the selected candidates.

3. Respondent No. 8 was appointed and joined the service of the respondent-College, but it was subsequently determined that she did not fulfil the eligibility criteria required in terms of the advertisement. Her services were, therefore, terminated by order dated 28.10.2024. Pursuant to the termination of respondent No. 8, it is the contention of the petitioner that she is entitled to be appointed as she was the first candidate in the waitlist. The petitioner has made several representations to the respondent-College for this purpose, but those have remained unanswered.

4. Ms. Monika Arora, learned counsel for the respondent-College, and Mr. Mohinder J.S. Rupal, learned counsel for Delhi University, who appear on advance notice, submit that a waitlisted candidate has no vested right in cases where selected candidates were appointed, but were subsequently terminated. It is their contention that in such circumstances, the panel stands exhausted, and a fresh selection process has to be undertaken.

5. Ms. Arora, however, submits that respondent No. 8 has challenged her termination in W.P.(C) 15780/2024, which remains pending before this Court. Although no interim order has been passed in the said writ petition, Ms. Arora further submits that the respondent-College has not commenced any fresh process of selection.

6. Having regard to the aforesaid facts, and particularly to the fact that



the termination of respondent No. 8 itself is under challenge, I am of the view that the appropriate course in the present case is to direct the respondent-College to dispose of the petitioner's representation by way of a speaking order, prior to commencing any fresh selection process for the same post, consequent upon the termination of respondent No. 8.

7. The petition, alongwith the pending application, is disposed of with the aforesaid direction.

PRATEEK JALAN, J

JANUARY 31, 2025/tp/AD/