



2025:DHC:11822-DB



\$~37

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

Date of decision: 22.12.2025

+ W.P.(C) 19504/2025
NISHANT GAUTAM & ORS.Petitioners

Through: Mr.Anuj Aggarwal, Mr.Nikhil
Pawar, Ms.Kritika Matta,
Ms.Bhumica Kundra and
Mr.Pradeep Kumar, Advs.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD
(DSSSB) & ORS.Respondents

Through: Mrs.Avnish Ahlawat, SC for
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehwat, Advs.
Dr.Divya Swamy, SC for MCD
with Mr.Yagyawalkya Singh,
Mr.Shikhar Rusia and
Ms.Pragya Patel, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 81407/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 19504/2025 & CM APPL. 81406/2025

2. This petition has been filed by the petitioners challenging the Order dated 11.09.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 3475/2025, titled *Nishant Gautam v. DSSSB*,



2025:DHC:11822-DB



whereby the prayer for the *interim* relief made by the petitioners was considered, and the learned Tribunal directed as under:

“Be that as it may. At this stage, allowing the participation without calling for the counter reply will result into floodgates of the litigation. We also take note of the fact that the closing date of submission of application form is just a week away. Since the issue is sub-judice we agree with the submissions made by the learned counsel for the respondents that appropriate relief can be granted at appropriate stage, if the relief sought by the applicant is tenable.”

3. The petitioners have filed the said O.A. before the learned Tribunal, *inter alia*, challenging the Advertisement No. 02/2025 dated 31.07.2025 issued by the Delhi Subordinate Services Selection Board (DSSSB) to the extent that it does not grant four (04) years’ age relaxation to the applicants for appointment to the post of Assistant Public Health Inspector (APHI) (Post Code-20/25) in the Municipal Corporation of Delhi (MCD).

4. The learned counsel for the petitioners submits that the last recruitment process carried out by the respondents for the above post was in the year 2014, and even then, all the posts were not filled up.

5. He further submits that in the years 2021 and 2022, the MCD had issued requisition letters to the DSSSB, asking them to carry out the recruitment process for the above posts, however, the DSSSB, for reasons not known, did not advertise the same, resulting in further delay in the recruitment process.

6. Some of the petitioners were even constrained to approach this Court by way of a Writ Petition, being W.P.(C) 8146/2023, titled



2025:DHC:11822-DB



Deepak & Ors. v. DSSSB & Anr., praying for a direction to the DSSSB to issue an advertisement for the said post. The said Writ Petition was disposed of by this Court *vide* its Order dated 21.08.2023, directing the petitioners to approach the learned Tribunal, pursuant to which the petitioners filed O.A. No. 3838/2023 before the learned Tribunal.

7. During the pendency of the said O.A., the respondents issued the Impugned Advertisement prescribing an upper age limit of 27 years, thereby making the petitioners ineligible for applying for the said post.

8. Aggrieved thereby, the petitioners have filed the above O.A. before the learned Tribunal.

9. The learned counsel for the petitioners submits that, in the given facts, and as the last date of receipt of the applications had still not arrived, the learned Tribunal should have allowed the petitioners to apply for the post, rather than simply making the selection process subject to the outcome of the said O.A. filed by the petitioners. He places reliance on the Judgment dated 20.01.2023 of this Court, titled **Sachin & Ors. v. Central Reserve Police Force & Anr.**, 2023/DHC/000405.

10. On the other hand, the learned counsels for the respondents, who appear on advance notice of this petition, submit that there is no vested right in any candidate to seek either a direction for issuance of an advertisement for recruitment or for age relaxation in the said process.



2025:DHC:11822-DB



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

12. The last date for receiving the applications, as prescribed in the Advertisement was 16.09.2025. The Impugned Order has been passed by the learned Tribunal on 11.09.2025 and the petitioners have filed the present Writ Petition only on 06.12.2025, that is, post the passing of the last date for submission of the application forms. At this belated stage, to interfere with the selection process may, in fact, further delay the selection process itself.

13. The rival submissions of the learned counsels for the parties are yet to be considered by the learned Tribunal. The learned Tribunal has observed that in case the petitioners are to succeed, appropriate relief can be granted at that stage. We, therefore, find that the interest of the petitioners has been adequately protected by the learned Tribunal.

14. We, therefore, do not find it fit to interfere with the Order of the learned Tribunal. We, however, request the learned Tribunal to expedite the hearing of the said O.A. filed by the petitioners and decide the same preferably within a period of three months of its first listing post passing of this Order.

15. The petition along with the pending application is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 22, 2025/sg/pb