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

+ **W.P.(C) 1821/2026, CM APPL. 8812/2026**

UMESH CHAND GUPTA

.....Petitioner

Through: Mr. Arvind Kumar Tiwari, Mr. Anant Kumar Vatsya, Ms. Shabnam Khan, Ms. Shweta Rajput and Mr. Prabhat Kumar Mishra, Advocates.

Versus

**INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR
WOMEN & ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC for GNCTD with Mr. N.K. Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for R-1.
Mr. Pritish Sabharwal, SC with Mr. Sanjeet Kumar, Mr Shiv Chopra and Ms. Shweta Singh, Advocates for R-2.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
09.02.2026**

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1. This petition under Article 226 of the Constitution of India assails Office Order dated 10th December, 2025, whereby Respondent No. 6 has been promoted to the post of Workshop Superintendent in the Department of Mechanical and Automation Engineering of Respondent No. 1, Indira Gandhi Delhi Technical University for Women (IGDTUW).



2. The Petitioner seeks quashing of the said promotion primarily on the ground that he is senior and more meritorious than Respondent No. 6 and that the impugned promotion is founded upon an allegedly illegal fixation of *inter se* seniority traceable to the Minutes of Meeting dated 14th February, 2007.

Submissions

3. Counsel for the Petitioner makes the following submissions in support of the reliefs sought:

3.1. Respondent No. 1 has illegally promoted Respondent No. 6 to the post of Workshop Superintendent by the impugned order. The said order suffers from patent illegality, inasmuch as the promotion of Respondent No. 6 has been made in violation of the applicable recruitment rules, which mandate promotion strictly on the basis of seniority-cum-fitness. The Petitioner being demonstrably senior, more meritorious and more suitable, has been ignored in the said promotional exercise.

3.2. The entire promotional exercise is vitiated at its inception as it is founded upon an illegal and *ultra vires* fixation of seniority arising from the Minutes of Meeting dated 14th February, 2007. Under the said Minutes, direct recruits to the post of Technical Assistant were arranged category-wise instead of in accordance with their merit as determined by marks secured in the written examination. Such category-wise arrangement is unsupported by any statutory rule or administrative instruction and is contrary to settled principles governing *inter se* seniority of direct recruits. Consequently, the Minutes are *void ab initio*, and any promotion or benefit flowing therefrom, including the impugned promotion, is *non-est* in law.

3.3. The continued reliance on this unlawful seniority fixation perpetuates



a patent illegality and distorts promotional avenues, to the grave prejudice of more meritorious candidates. The unlawful methodology has displaced the true merit order and has consistently operated to the detriment of the Petitioner. Any seniority or promotion derived from such void foundation lacks legal sanctity and cannot be sustained.

3.4. There can be no estoppel against statute or settled legal principles. The Respondents cannot justify the illegality on grounds of delay, acquiescence, or long-standing practice. An act *void ab initio* does not attain legality by passage of time or administrative convenience. Promotions granted on such illegal basis remain liable to be quashed.

3.5. The Petitioner secured the highest marks (217.5) in the written examination for Technical Assistant, whereas Respondent No. 6 secured 197.5 marks. Despite this, Respondent No. 6 has been consistently placed above the Petitioner in seniority lists dated 29th May, 2015 and 22nd April, 2019 solely on the strength of the impugned Minutes.

3.6. The Petitioner objected to the unlawful fixation of seniority at every stage through detailed representations, which were rejected mechanically without reference to merit or governing rules. The illegality culminated in Office Order dated 10th December, 2025 promoting Respondent No. 6 in supersession of the Petitioner.

3.7. The Petitioner, who was financially upgraded in 2022 and has efficiently managed the Mechanical Workshop since 2003, has been arbitrarily denied promotion in violation of Articles 14 and 16. The impugned promotion constitutes a colourable exercise of power founded upon an illegal seniority determination and warrants judicial interference.

Analysis



4. The Court has heard counsel for the parties. The principal submission of the Petitioner is that the fixation of *inter se* seniority pursuant to the Minutes of Meeting dated 14th February, 2007 is illegal, inasmuch as direct recruits were arranged category-wise instead of strictly in accordance with the marks secured in the written examination, and that consequently the promotion granted to Respondent No. 6 stands vitiated.

5. The said contention does not merit acceptance. The Petitioner has not been able to point out any provision in the applicable Recruitment Rules, statutory mandate, or binding administrative instruction requiring that *inter se* seniority of direct recruits must necessarily be determined strictly on the basis of marks obtained in the written examination. In the absence of any such prescription, it cannot be held that the fixation of seniority pursuant to the Minutes dated 14th February, 2007 was in contravention of any statutory rule. The Petitioner's objections to the seniority list were duly considered and rejected, and final seniority lists dated 29th May, 2015 and 22nd April, 2019 were thereafter issued. Pertinently, the issue of seniority itself is the subject matter of W.P.(C) 3696/2016, which is pending adjudication.

6. The seniority lists finalized in 2015 and 2019 have remained in operation for several years and have formed the basis for subsequent promotions and service arrangements. Settled seniority positions, particularly after lapse of time and crystallisation of rights, are not to be lightly unsettled in exercise of writ jurisdiction in the absence of clear violation of statutory mandate.

7. Be that as it may, the Petitioner's claim for promotion cannot succeed, in any event. The Recruitment Rules notified on 13th January, 2017 provide that promotion to the post of Workshop Superintendent is to be made on the



basis of seniority-cum-fitness. The expression “seniority-cum-fitness” has been judicially interpreted to mean promotion on the basis of seniority subject to rejection of the unfit, and does not ordinarily involve comparative assessment of inter se merit. Thus, unless a senior is found unfit, he would ordinarily be entitled to promotion. In the present case, the Petitioner has not established that he was the senior-most eligible candidate under the finalized seniority list, nor has any material been placed to demonstrate that the assessment of fitness by the DPC was arbitrary or contrary to the Recruitment Rules.

8. The DPC has considered the candidature of both the Petitioner and Respondent No. 6 and, upon assessment of the relevant service record and material, recommended Respondent No. 6 for promotion. It is well settled that this Court, in exercise of jurisdiction under Article 226 of the Constitution, does not sit in appeal over the assessment made by a duly constituted DPC. Interference is warranted only where the decision is shown to be vitiated by mala fides, arbitrariness, or violation of statutory provisions. No such material has been placed before this Court.

9. The submission that the promotional exercise ought not to have been undertaken in view of the pendency of W.P.(C) 3696/2016 is equally untenable. Admittedly, no interim order or stay has been granted in the said proceedings restraining the Respondents from holding the DPC or effecting promotions. In the absence of any prohibitory order, the mere pendency of a writ petition cannot operate as a bar to administrative action. The impugned promotion order itself records that it shall remain subject to the outcome of the said writ petition. The decision to proceed with the promotions, therefore, cannot be faulted.



10. In light of the foregoing, the Court finds no merit in the present petition and the same is dismissed along with pending applications.

SANJEEV NARULA, J

FEBRUARY 9, 2026

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