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

+ **W.P.(C) 2641/2026 & CM APPL. 12843/2026 (Exemption)**

BRIJ LAL

.....Petitioner

Through: Mr. K.S. Rekhi, Advocate.

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Ms. Tripta Sharma, Advocates for University of Delhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.02.2026

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1. The Petitioner was appointed as a Library Attendant on an *ad hoc* basis on 31st January, 1994 and, in terms of the appointment letter, joined service on 07th February, 1994.
2. Subsequently, Respondent No. 2 initiated a recruitment process for regular appointment to the post of Library Attendant. The Petitioner participated in the said process; however, he was not appointed. According to the Petitioner, although he belonged to the Scheduled Caste (“SC”) category, the Selection Committee erroneously treated him as a Scheduled Tribe (“ST”) candidate and, consequently, appointed another candidate who was placed lower than him in the select list. This led to prolonged litigation spanning over two decades before this Court.
3. At the first instance, the Petitioner’s grievance was not accepted by



the Single Judge. However, in LPA No. 927/2002, by judgment dated 06th April, 2004, the Division Bench set aside the order of the Single Judge and disposed of the matter with directions:

“Appellant was appointed as library attendant on ad-hoc basis on 31.1.1994. Regular process of selection and appointment for this post in SC category was conducted in 1996 in which he also participated. He claims that he figured at serial no.3 on the select list but his services were not regularised against the post and on the contrary respondents treated him as a candidate in the ST category when he, in fact, was a candidate under SC category. For this, he filed CWP 3654/2002 in this court seeking regularisation of his services on the post of library attendant on the basis of his merit position in the selection. His petition was dismissed on preliminary hearing without notice to respondents and on the premise that ad-hoc appointed had no right of regularisation when the post on which he was appointed was to be filled up through regular process under Rules. Appellant has filed this appeal challenging the writ court order on two grounds viz(1) that he had not sought regularisation of his service by avoiding any regular selection process but had on the contrary done so after going through the process in which he had figured at serial no.3 in the merit list on selection basis yet his service was not regularised and (2) that writ court had summarily dismissed his petition without notice to the other side and without ascertaining the worth of his claim from respondents.

By court order dated 6.2.2004 learned counsel for respondents Mr. Ahluwalia wanted to seek instructions for exploring possibility of settlement to redress appellant's grievance. He has also filed counter/reply on behalf of respondents to appellants writ petition in which it is admitted by respondents that he had participated in the selection process in 1996 and was placed at serial no.3 of the merit list. It is, however, submitted that since there was only one post available in the SC category at that time against which the candidate figuring at serial no.1 was appointed, he could not be therefore accommodated. It is also admitted that he had also participated in the second selection process undertaken in 2000 for one post in the SC category in which he had figured at serial no.2 and was now presently awaiting his turn to be appointed subject to availability of the post in the SC category.

If the impugned order of the writ court was to be tested on merit, it would have to be set aside any way and the matter remitted to the writ court for fresh consideration of the rival claims. But with a view to end the litigation both parties have agreed for disposal of this appeal by the following consent order, as per the consent accorded by



their counsel, on instructions:-

Writ court order is set aside. Appellant's CWP 3654/2002 and also this appeal is disposed of by providing that appellant shall continue to hold the post of library attendant in his present capacity and that his services against this post shall be regularised by respondent on the availability of the post of library attendant in SC category without subjecting him to any further selection process and on the basis of merit position in the last selection. Appellant's claim for any other service benefit pursuant thereto shall be considered by respondents in accordance with rules."

4. Thereafter, as the Petitioner's grievance remained unresolved, he filed W.P.(C) 1934/2010. The said petition was disposed of by order dated 11th July, 2022, *inter alia*, recording the undertaking of Respondent No. 2 that the judgment dated 06th April, 2004 would be complied with as and when a vacancy arose in the SC category for the post of Library Attendant. In view of the said undertaking, the following order was passed:

"1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking following prayers:-

"[a]. Issue appropriate writ, order or direction in the form of writ of Certiorari to quash and set aside the insertion of the word hiring in the order of appointment dated 06/05/2009 & 29/10/2009.

[b]. Direct the respondents to count the years of service rendered by the petitioner as regular service under the provisions Rule 2 clause [h] of Recruitment Rules [Non Teaching Staff] 2008

[c]. Direct the respondents to grant Bonus and Gratuity as is given in the case of other non-teaching ad-hoc employees of the University.

[e]. Quash and set aside the order dated 24/3/2009.

[d]. Direct the respondents to appoint the petitioner as regular employee, as per the vacancy existing and notified by the respondents.

[e].. Grant the cost of the petition..."

2. Learned counsel appearing on behalf of respondent no. 2, on instructions, undertakes that the Appellate Court order dated 6th April, 2004 passed in WA 927/2002 shall be complied with as and when the vacancy arises in the category of Library Attendant (SC). Learned counsel appearing on behalf of petitioner has no objection to the said undertaking.

3. Keeping in view the undertaking given by learned counsel appearing on behalf of respondent no. 2 that the order of the



Appellate Court shall be complied with and the petitioner shall be regularized in terms of the said order, as and when the vacancy is available in accordance with law, the instant petition stands disposed of.”

5. Pursuant thereto, by order dated 6th November, 2025, the Petitioner’s services have now been regularized. However, the regularization order treats his appointment as a fresh appointment and places him on probation for a period of two years.
6. Counsel for the Petitioner submits that, by virtue of the said order, the Petitioner’s past service of over three decades stands effectively obliterated and he is being treated as a fresh appointee. It is contended that this would disentitle him from notional pay fixation, notional seniority, arrears of pay, continuity of service and other consequential benefits. In this regard, the Petitioner has submitted a representation dated 02nd January, 2026 to Respondent No. 2, seeking redressal of his grievances.
7. In the *prima facie* opinion of the Court, there is substance in the submissions advanced on behalf of the Petitioner. However, since a representation is presently pending consideration and the limited relief sought is for a direction to take a decision thereon, it would be appropriate to direct Respondent No. 2 to consider and decide the Petitioner’s representation in a time bound manner.
8. Accordingly, Respondent No. 2 is directed to treat the present writ petition, as additional representations on behalf of the Petitioner and to pass a reasoned order thereon within a period of six weeks from today.
9. In the event the Petitioner’s grievance remains unredressed, he shall be at liberty to avail appropriate remedies in accordance with law.



10. With the above directions, the present petition is disposed of, along with the pending application.

SANJEEV NARULA, J

FEBRUARY 25, 2026/ab