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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5847/2022 & CM APPL. 17553/2022**
SHRI SUMITPetitioner

Through: Mr. Jawahar Raja, Ms. L. Gangmei
and Ms. Meghna De, Advocates.

versus

UNIVERSITY OF DELHIRespondent
Through: Mr. Nikunj Arora, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
09.01.2026

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1. This petition under Article 226 of the Constitution of India is directed against the non-inclusion of the Petitioner's name in the provisional list of applicants for compassionate appointment issued along with the notifications dated 23rd August, 2021 and 03rd March, 2022, and seeks consideration of the Petitioner's claim for compassionate appointment in accordance with the governing policy.
2. The Petitioner's father was employed with the Respondent w.e.f. 11th May, 1983 and was last working as Daftary in the Scholarship Cell. He expired in harness on 6th June, 2015, leaving behind his wife, three sons and a daughter. The Petitioner, being the second son, submitted applications seeking compassionate appointment on 10th June, 2015 and again on 19th February, 2018. It is the Petitioner's grievance that no decision was communicated on these requests, and that when the University later published a provisional list on 23rd August, 2021 and thereafter issued the



notification dated 3rd March, 2022 for consideration of cases up to 31st December, 2020, the Petitioner's name did not find mention.

3. By interim order dated 8th April, 2022, the Respondent was directed to keep one vacancy in Group-D, earmarked for compassionate appointment, unfilled during the pendency of the proceedings. The said order reads as follows:

"1. This petition has been filed by the petitioner within the following prayers:-

"In view of the abovementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

- a. Issue an appropriate writ, order or direction, thereby directing the Respondent to include the name of the Petitioner in the provisional list of applicants for compassionate appointment issued alongwith Notification dated on 23.08.2021 and list of applicants issued alongwith Notification dated 03.03.2022; and*
- b. Issue an appropriate writ, order or direction, thereby directing the Respondent to consider and grant compassionate appointment to the Petitioner; and/or*
- c. Pass any such other or further order as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case in favour of the Petitioner"*

2. *In substance, the claim of the petitioner in this petition is that his name be included in the provisional list of applicants for compassionate appointment as notified by the University on August 23, 2021.*

3. *Mr. Jawahar Raja, learned counsel for the petitioner would submit that the employee of the University (father of the petitioner) had died in the year 2015. Thereafter, in the year 2018, an application was submitted by the wife of the deceased employee for giving compassionate appointment to the ward of the deceased employee i.e., her son, Sumit.*

4. *He also states that the petitioner has come to know that vide notification dated March 03, 2022, the University has considered the cases wherein death / medical disability occurred up to December 31, 2020.*

5. *Despite petitioner being eligible, he was not considered for appointment on compassionate ground. He also states that the said notification referred to a notification dated August 23, 2021 wherein the provisional list of applicants was proposed. It is his grievance that the respondent / University has not included the name of the petitioner despite pendency of the application at least from 2018.*



6. *The petitioner had also approached the University on March 07, 2021 but no action has been taken resulting in filing of the petition.*

7. *On the other hand, Mr. Rupal would submit though the petitioner had submitted a representation on February 19, 2018 but the same was not in proforma as is required in terms of notification dated August 23, 2021. In this regard, he has drawn my attention to page 20 of the writ petition wherein Clause 4 reads as under:-*

“4. Those who have filled the proforma earlier will also have to fill the same again.”

8. *In any case, he submits that the University is ready to consider through its Grievance Committee the writ petition as a representation and convey the decision to the petitioner.*

9. *On this submission of Mr. Rupal, Mr. Raja would submit that the University cannot take plea that the petitioner has not submitted his application in proforma for not considering his name for compassionate appointment. He also states that the petitioner shall fill the proforma and submit to the University. Though, Mr. Rupal has opposed such a submission on the ground that he has no instructions in that regard, in any case, this Court is of the view, appropriate shall be for the University to file a counter affidavit within four weeks. Rejoinder thereto, be filed within two weeks thereafter.*

10. *During the course of hearing, it is conceded by counsel for the parties that there are 48 vacancies available for making compassionate appointments. If that be so, the University shall not fill one vacancy in Group-D, reserved for compassionate appointment, till the next date of hearing.*

11. *List before Registrar on July 08, 2022 for completion of pleadings.”*

4. In the counter affidavit, the Respondents state that the applications submitted in 2015 and 2018 were not in the prescribed proforma and, therefore, were not processed. It is further stated that the University, by notification dated 23rd August, 2021, sought updated information and documentary proof from applicants in a specified format, expressly stipulating that even those who had submitted information earlier were required to fill the proforma again. According to the Respondents, the Petitioner did not submit the application in the prescribed format within the



time indicated, and hence the name did not appear in the provisional list and was also not carried into the subsequent exercise.

5. The legal position is settled. Compassionate appointment is an exception to the normal rule of recruitment, justified only to mitigate the immediate hardship faced by a family on the death of a breadwinner in harness. It does not create an enforceable right to appointment. At the highest, it confers a right to be considered strictly within the four corners of the applicable scheme and subject to fulfilment of its conditions.

6. The notification governing compassionate appointments was issued by the Respondent University only on 23rd August, 2021. The said notification reads as under:

“Ref. No. Estab.IV/038/2021

Dated: 23-08-2021

NOTIFICATION

The University is in the process of finalization of the cases of compassionate appointments, which could not be done in past few years due to certain technical reasons.

In this connection, following is being published on the website for inviting relevant inputs from the applicants in this respect:

- 1. The provisional list of applicants for compassionate appointment (Annexure I).*
- 2. The proforma in which the applicants are required to provide the updated information with relevant documentary proof (Annexure II).*
- 3. The interested applicants are required to fill up the proforma and submit the same with relevant documentary proof in the office of the Assistant Registrar (Recruitment) on or before 05:00 p.m. 17th September, 2021.*

*Address: Establishment Branch – IV,
Room No. 205, New Administrative Block,
University of Delhi, Delhi – 110007*

*The proforma along with the annexures may also kindly be mailed to **ar_rec@admin.du.ac.in***

- 4. Those who have filled the proforma earlier will also have to fill the same again.*
- 5. Inclusion of the name in the list notified (as Annexure I) does not entitle the applicant for any appointment whatsoever.*



6. Further, appointment if any, done on this ground shall be offered only in the cadre/group prescribed by Department of Personnel & Training (DoPT) for the purpose.

The applications and updated information received shall be scrutinized and decision, if any, in this respect shall be taken up at the University's end. No further query or representation shall be entertained in this regard.

This is issued with the approval of the competent authority."

7. A plain reading of the notification dated 23rd August, 2021 shows that the University had, for the first time in a structured manner, initiated an exercise to finalise pending compassionate appointment cases by calling for updated particulars in a prescribed proforma, and it even required those who had submitted details earlier to furnish them afresh. The Respondent has also stated in the counter affidavit that the provisional list prepared for consideration under this exercise covered cases relating to deaths/medical disability from the year 1992 onwards, and the subsequent notification dated 3rd March, 2022 pertained to cases up to 31st December, 2020. This indicates that mere passage of time was not treated as an automatic disqualification at the threshold.

8. The afore-said notification also clarified that inclusion in the provisional list does not entitle an applicant to appointment. Plainly, therefore, the provisional list is not an adjudication of entitlement, and equally, non-inclusion does not, by itself, foreclose consideration if the Applicant furnishes the information and documents required under the scheme and satisfies its conditions. At the same time, whether the Petitioner's claim arising from the demise of his father on 6th June, 2015 survives under the applicable policy, and whether the Petitioner fulfils the eligibility conditions on merits, are matters for determination by the



competent authority. No adjudication on those aspects is warranted in these proceedings.

9. At the same time, the dispute is narrow. The Petitioner essentially seeks consideration of the claim under the applicable scheme. Accordingly, the petition is disposed of with the following directions:

(a) The Petitioner shall, within two weeks from today, submit a fresh application for compassionate appointment strictly in the proforma appended with the notification dated 23rd August, 2021, along with all relevant documentary proof, to the designated office and email address indicated in the said notification.

(b) Upon receipt of the application, the Respondent shall consider the Petitioner's claim on its own merits, in accordance with the applicable policy and law, and shall communicate a reasoned decision to the Petitioner within eight weeks.

(c) It is clarified that this Court has expressed no opinion on the Petitioner's entitlement to compassionate appointment, on the merits of the claim, or on any issue of limitation, delay, or policy applicability. All rights and contentions are kept open.

(d) The interim protection granted on 8th April, 2022 shall continue to operate until the Respondent takes a decision in terms of clause (b) above.

10. The petition, along with pending applications, stands disposed of in the above terms.

SANJEEV NARULA, J

JANUARY 9, 2026/as/nk