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

+ **W.P.(C) 6205/2022**

SANJAY KUMAR

.....Petitioner

Through: Mr. Amit Kumar Mishra, Advocate
with Petitioner in person.

versus

NEHRU MEMORIAL MUSEUM AND LIBRARY & ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar, Mr. Amit
Kumar Rana and Ms. Pragati Trivedi,
Advocates for NMML.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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03.02.2026

1. The Petitioner applied for the post of Assistant Research Officer (“ARO”) pursuant to an advertisement issued in December 2015, whereby two posts were notified, one for the Unreserved (“UR”) category and one for the Scheduled Caste (“SC”) category. The Petitioner applied under the SC category but was not selected. Aggrieved thereby, the present writ petition was filed seeking the following reliefs:

“a) A writ of certiorari quashing the appointments of Respondent No. 3 and 4 so made to the post of Assistant Research Officer.

b) A declaration to the effect that the Respondents No. 3 & 4 did not possess the requisite qualifications and thus were not eligible to the post of Assistant Research Officer and their appointment is illegal and arbitrary.

c) A declaration to the effect that the entire selection process of selecting respondent no. 3 & 4 is contrary to law and that the composition of the selection committee is contrary to DoPT Rules.

d) A writ in the nature of Mandamus directing the respondent no. 1 and 2 to appoint the petitioner against the post advertised and or to direct the respondents to re- advertise the post of ARO as per the rules of the DoPT



and fill the ARO post still vacant for the reserved category, with all consequential benefits.

e) A declaration declaring that the action of the Respondent No. 1 in scraping one post of Assistant Research Officer reserved for SC candidate and converting it into unreserved category is not sustainable in law and contrary to the guidelines of DoPT.”

2. Before this Court, on 19th April 2022, counsel for the Petitioner expressly gave up prayers (a), (b) and (c), and confined the challenge only to prayers (d) and (e). Consequently, the appointments of Respondents No. 3 and 4 to the post of ARO were not under challenge. The order by this Court on 19th April, 2022, reads as under:

“CM APPL. 18672/2022

Exemption allowed subject to all just exceptions. Application stands disposed of.

W.P.(C) 6205/2022

1. *At the outset, learned counsel appearing for the petitioner states, he shall only press prayers (d) & (e) in the petition. In other words, he shall not challenge the appointments of respondent Nos. 3 & 4 to the post of Assistant Research Officer.*

2. *Taking the statement on record, issue notice to the respondents on prayers (d) & (e). Mr. Rishabh Sahu, Sr. Panel Counsel accepts notice for respondent No.2.*

3. *Let notice be issued to respondent No.1 returnable before Registrar for completion of service and pleadings on August 2, 2022.”*

3. In view of the aforesaid concession, the grievance of the Petitioner stands confined to a prayer for issuance of a writ of mandamus directing Respondent No. 1 to appoint him against the advertised post, or in the alternative, to re-advertise and fill the ARO post in accordance with the DoPT rules against the reserved category.

4. The stand of the Respondent No. 1, as emerging from the Counter Affidavit, is that one ARO post had earlier been advertised in April 2015,



pursuant to which one Mr. Mukesh Kumar was selected. Thereafter, two posts (one UR and one SC) were advertised in December 2015. Against the UR vacancy advertised in December 2015, one Mr. Sodolakpou Panmei was appointed. However, with respect to the SC vacancy, no candidate was found suitable by the Selection Committee after interview, and consequently the post remained unfilled.

5. It is further stated that the Petitioner, having applied under the SC category, could not be considered against the UR vacancy, which in any event stands filled. Respondent No. 1 has also explained that subsequent to objections raised by certain staff members regarding the Reservation Roster, the matter was re-examined on the directions of the then Director, NMML. A fresh roster was prepared through an expert and was duly verified and authenticated by the Ministry of Culture, Government of India. As per the revised roster, the post in question fell under the unreserved category, a position which was also concurred with by the National Commission for Scheduled Castes.

6. Respondent No. 1 asserts that the post was not de-reserved, but that the roster itself was revised in accordance with DoPT guidelines, since the earlier roster was found to be incorrect. It is also stated that the matter continues to be under examination with the Ministry of Culture for any further corrections, if required.

7. As regards the allegation of bias or arbitrariness, Respondent No. 1 has categorically denied the same. It is pointed out that selection to the post of ARO was based primarily on performance in interview, and higher qualifications by themselves did not confer any preferential right. It is further noted that the Petitioner had applied for the post of Senior Research



Assistant under the same institution, selection to which was based solely on qualifications and experience, and the Petitioner was in fact selected and later placed at No. 1 in the seniority list, thereby negating any allegation of institutional bias.

8. Upon consideration of the pleadings and submissions, this Court finds no material to conclude that the Respondent-institution acted in a biased or discriminatory manner against the Petitioner, or that the Petitioner was unlawfully denied appointment to the post in question. No enforceable right is shown to have accrued in favour of the Petitioner so as to warrant a direction for appointment.

9. Accordingly, the substantive reliefs sought by the Petitioner cannot be granted. However, since Respondent No. 1 themselves state that the issue relating to the post and the reservation roster is still under consultation with the competent authorities, it is deemed appropriate to direct conclusion of the said process in a time bound manner.

10. The Respondents are, therefore, directed to complete the consultation process of the roster with the concerned authorities and, thereafter, advertise the post, if so required, strictly in accordance with law as expeditiously as possible and preferably within a period of eight weeks from today.

11. With the above directions, the petition is disposed of, along with any pending application(s).

SANJEEV NARULA, J

FEBRUARY 3, 2026/nk