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

+ W.P.(C) 5129/2019
PAYAMBER RAZA

.....Petitioner

Through: Mr. Shoeb Shakeel, Adv.

versus

GOVT OF NCT OF DELHI & ORS

.....Respondents

Through: Ms. Avnish Ahlawat, SC with
Mr. Uday Singh Ahlawat, Ms.
Tania Ahlawat, Mr. Nitish
Kumar Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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10.03.2026

1. Through the present Petition, the Petitioner seeks issuance of a writ in the nature of certiorari by assailing the order dated 09.04.2019 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'CAT'], whereby the Original Application ('OA') No.1442/2014 filed by the Petitioner was dismissed.

2. A perusal of the record reflects that the candidature of the Petitioner for the post of Teacher (Primary) Urdu was rejected on the ground that he did not possess the requisite qualification as prescribed under the Recruitment Notice dated 29.12.2009. The relevant paragraph of the said Recruitment Notice reads as under:

“Essential Qualifications: 1. Sr. Secondary (10+2) or Intermediate or its equivalent with 50% marks from a recognized Board.

2. Two years diploma/Certificate course in ETE/JBT or B.El.Ed. from recognized Institutions or its equivalent.



3. Must have passed Urdu as a subject at Secondary level.”

(emphasis supplied)

3. Admittedly, the Petitioner has not studied Urdu as a subject at the secondary level. However, he claims that he had studied Urdu as a subject at the senior secondary level, and, therefore, ought not to have been rendered ineligible merely on account of the absence of the said subject at the secondary stage.

4. Having heard learned counsel appearing for the Petitioner and upon a consideration of the material placed on record, this Court cannot comment upon the suitability of the candidate merely on account of the fact that he/she has studied Urdu as a subject in higher classes.

5. The essential qualification prescribed in the Recruitment Notice is explicit and unambiguous and the Petitioner does not possess the same. The requirement that the candidate must have studied Urdu as a subject at the secondary level constitutes a specific eligibility condition, which cannot be diluted or substituted by the possession of the same subject at a higher academic level. The determination of eligibility must necessarily conform to the conditions stipulated in the recruitment advertisement and the Court would be slow to interfere with such stipulations in exercise of its writ jurisdiction.

6. A similar view has been taken by a Coordinate Bench of this Court in ***W.P.(C) 9543/2023*** captioned ***DSSSB and Anr v. Ms Upasana Singh and Anr*** decided on 08.12.2025. The relevant paragraph of the said judgment reads as under:

“15. The Supreme Court in NDMC v. Kavinder & Ors., (2021) 11 SCC 353; and this Court in State (NCT of Delhi) & Ors. v. Seema Kumari, 2023 SCC OnLine Del 4987, the Special Leave Petition against which, being SLP(C) 22275/2023, was dismissed, has held



that merely possessing a higher qualification would not make a candidate eligible for the post. In fact, to accept the same would be discriminatory vis-a-vis those who did not even apply for the post seeing the specific essential qualification prescribed in the advertisement.”

7. In view of the foregoing discussion, this Court does not find any reason to interfere with the Impugned Order in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

8. Accordingly, the present Petition is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 10, 2026

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