



2026:DHC:976-DB



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

Date of Decision: 04.02.2026

+ W.P.(C) 6184/2024
MS KIRAN

.....Petitioner

Through: Mr. Sudhanshu Tomar and Mr.
Ayush Tomar, Advocates.

versus

GOVT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.Respondents

Through: Mrs. Avnish Ahlawat, SC
GNCTD Services with Mr.
Yeeshu Jain, ASC, Mr. Nitesh
Kumar Singh, Ms. Jyoti Tyagi,
Ms. Aliza Alam, Ms. Vishruti
Pandey, Mr. Sachin Garg, Ms.
Manisha and Mr. Mohnish
Sehrawat, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. The present Petition, filed by the Petitioner, assails the correctness of the order dated 01.11.2023 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'the Tribunal'] in O.A. No. 1188/2016, whereby the Original Application filed by the Petitioner came to be dismissed.

2. The principal grievance of the Petitioner arises out of the

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rejection of her candidature for appointment to the post of Librarian under the Directorate of Education [‘DoE’], Government of NCT of Delhi [‘GNCTD’], on the ground that she was overage in terms of the prescribed eligibility criteria.

3. In substance, the Petitioner claims entitlement to a general age relaxation of ten years on account of a circular/Office Memorandum dated 01.11.1980 issued under Rule 43 of the Delhi School Education Rules, 1973.

FACTUAL BACKGROUND

4. The record reveals that the Delhi Subordinate Services Selection Board [‘DSSSB’] issued recruitment advertisements in the years 2010 and 2013 inviting applications for appointment to the post of Librarian under the DoE. Pursuant thereto, a Common Recruitment Examination was conducted in the year 2015.

5. The Petitioner participated in the said selection process and secured marks which, according to her, were above the prescribed cut-off for candidates belonging to the Other Backward Classes (OBC) category. However, her candidature was not considered for appointment on account of her being overage in terms of the applicable Recruitment Rules and the conditions stipulated in the advertisements.

6. Aggrieved by the rejection of her candidature, the Petitioner approached the Tribunal by filing O.A. No. 1188/2016. The Tribunal, after considering the rival submissions and the applicable legal

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position, dismissed the Original Application, primarily relying upon the judgment of a Division Bench of this Court in ***Raj Bala & Anr. v. Government of NCT of Delhi & Ors.***, W.P.(C) 7240/2017 and connected matters, as well as ***Sachin Gupta v. Delhi Subordinate Services Selection Board.***¹, culminating in the Impugned Order.

CONTENTIONS OF THE PARTIES

7. Learned counsel appearing for the Petitioner submits that the rejection of the Petitioner's candidature is arbitrary and discriminatory. It is contended that the Petitioner is entitled to the benefit of ten years' age relaxation available to women candidates in terms of a circular/notification dated 01.11.1980 issued by the Administrator under Rule 43 of the Delhi School Education Rules, 1973.

8. It is further contended that the post of Librarian having been declared as a teaching post by virtue of an order dated 21.01.2011 issued by the DoE, the benefit of age relaxation applicable to teaching posts ought to have been extended to the Petitioner.

9. Reliance is placed upon the judgments of this Court in ***Asha v. Govt. of NCT of Delhi & Ors.***, W.P.(C) 1035/2014, and ***Meenakshi v. Govt. of NCT of Delhi & Ors.***, W.P.(C) 3521/2017, to contend that women candidates applying for the post of Librarian are entitled to the said relaxation.

10. *Per contra*, learned counsel appearing for the Respondents

¹ (152) 2008 DLT 378



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submits that the issue raised in the present Petition stands conclusively settled by the Division Bench judgments of this Court in ***Raj Bala*** (*Supra*) and ***Sachin Gupta*** (*Supra*), which have categorically held that the notification dated 01.11.1980 does not govern recruitment undertaken under the Recruitment Rules applicable to posts under the DoE, GNCTD.

ANALYSIS & FINDINGS

11. This Court has carefully considered the rival submissions advanced by learned counsel for the parties and perused the material placed on record.

Governing Recruitment Framework

12. It is not in dispute that recruitment to the post of Librarian under the DoE, GNCTD, is governed by statutory Recruitment Rules framed by the competent authority. The Recruitment Rules notified in the year 2003 prescribed, *inter alia*, the maximum age for direct recruitment. Subsequent recruitment exercises, including those initiated pursuant to the advertisements issued in the years 2010 and 2013, were required to strictly conform to the eligibility conditions stipulated therein.

13. It is well settled that once statutory Recruitment Rules are in force, the terms and conditions prescribed therein are binding both on the recruiting authority as well as on candidates participating in the selection process. Eligibility criteria, including age limits and permissible relaxations, cannot be altered or supplemented by

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executive instructions unless such instructions are expressly incorporated into, or adopted by, the applicable Recruitment Rules.

Applicability of Circular/Notification dated 01.11.1980

14. The core issue that arises for consideration is whether the circular/notification dated 01.11.1980, issued under Rule 43 of the Delhi School Education Rules, 1973, granting a general age relaxation of 10 years to women candidates for recruitment to teaching posts, governs recruitment to the post of Librarian under the DoE, GNCTD.

15. This question is no longer *res integra*. The scope and applicability of the notification dated 01.11.1980 has been authoritatively examined by a Division Bench of this Court in **Sachin Gupta** (*Supra*), wherein it was categorically held that the said notification does not regulate recruitment undertaken by the DoE, GNCTD, under its statutory Recruitment Rules.

16. The aforesaid position was subsequently reiterated and clarified by another Division Bench in **Raj Bala** (*Supra*) and connected matters, relevant paragraphs whereof read as under:

“12. He also places reliance on the decision of the Division Bench in Asha (supra), and submits that this court should follow the decision in Asha (supra) and not the one rendered by the Division Bench in Sachin Gupta (supra).

13. Having heard learned counsel for the petitioners, we find no merit in these petitions. The foundation of the petitioners' case is the notification elated 01.11.1980 issued by the Hon'ble Lt. Governor under Rule 43 of the DSE Rules granting age relaxation of 10 years to women candidates in respect of posts of Teachers. Firstly, the Division Bench in Sachin Gupta (supra) held that the said notification did not relate to recruitment of Teachers in the DoE of the GNCTD. We are bound by the said finding and, even otherwise, we see no

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*reason to take a different view. The said issue, firstly, was not raised before the Division Bench dealing with **Asha** (supra), and **Sachin Gupta** (supra) was not even considered in the said decision. The issue raised in **Asha** (supra) was materially different. In that case, despite the post of Librarian in Government Schools of the DoE having been declared as teaching posts for all purposes with immediate effect on 21.01.2011, the age relaxation applicable to women candidates was not being extended to those applying for the post of Librarian, even though the same was granted to women candidates applying for other posts of teachers in the DoE. It is on the aforesaid premise that the action of the respondent - GNCTD was found to be discriminatory by this Court, and this Court directed the respondents to grant the said age relaxation to the petitioner **Asha** as well. It was not urged before the Division Bench in **Asha** (supra), that the said age relaxation granted by the Hon'ble Lt. Governor vide notification dated O 1.11.1980 did not apply to recruitments by the DoE in the GNCTD. The decision in **Sachin Gupta** (supra), which is an earlier decision of a Division Bench of this Court was not even brought to the notice of the Court while dealing with **Asha** (supra). Therefore, it cannot be said that there is any conflict of judicial opinion between **Sachin Gupta** (supra) and **Asha** (supra). In any event, the reliance placed by the petitioners on the notification dated O 1.11.1980 appears to be misplaced and is of no avail."*

17. A perusal of the above reveals that the Court, after an exhaustive consideration of the earlier decisions, held that reliance on the notification dated 01.11.1980 for claiming age relaxation in recruitments conducted by the DoE was misplaced, and that the said notification had no application in the absence of its incorporation in the governing Recruitment Rules.

18. It was further clarified that the decision in **Asha** (Supra) did not lay down any contrary proposition. It was specifically observed that the issue regarding the applicability of the notification dated 01.11.1980 to recruitments under the DoE had neither been raised nor examined in **Asha** (Supra), and that the earlier binding judgment in **Sachin Gupta** (Supra) was not brought to the notice of the Court in that case. The Court thus held that there was no conflict between

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Sachin Gupta (Supra) and *Asha (Supra)*, and reaffirmed that the notification dated 01.11.1980 could not be treated as conferring an enforceable right in the absence of statutory adoption.

Reliance on Meenakshi and Subsequent Judicial Developments

19. The reliance placed by the Petitioner on the decision in *Meenakshi (Supra)* does not advance her case. A careful reading of the said judgment shows that the relief granted therein followed the decision in *Asha (Supra)* after condoning the delay in approaching the Tribunal. The Court in *Meenakshi (Supra)* proceeded on the premise that the issue stood covered by *Asha (Supra)* and, therefore, did not undertake an independent examination of the applicability of the notification dated 01.11.1980 to recruitments under the DoE, nor did it consider the binding precedent in *Sachin Gupta (Supra)*.

20. The legal position has thereafter been consistently applied by this Court in subsequent decisions, including *Sushma Gupta v. Chief Secretary, GNCTD & Ors.*, W.P.(C) 1343/2020 and connected matters, wherein, after noticing *Raj Bala (Supra)* and *Sachin Gupta (Supra)*, this Court reiterated that the notification dated 01.11.1980 does not govern recruitment undertaken under the statutory Recruitment Rules applicable to posts under the DoE, GNCTD.

Delay and Lapse of Time

21. It is also relevant to note that the recruitment process in question pertains to advertisements issued in the years 2010 and 2013, pursuant to which the examination was conducted in the year 2015.

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The present Writ Petition is being adjudicated in the year 2026, long after the selection process has attained finality.

22. Interference at this belated stage would not only unsettle a concluded recruitment process but would also run contrary to settled principles governing service jurisprudence, which consistently discourage reopening of completed selections, particularly in the absence of any demonstrated illegality or violation of statutory rules.

CONCLUSION

23. In view of the binding precedents of the Division Bench of this Court in ***Raj Bala (Supra)***, ***Sachin Gupta (Supra)*** and ***Sushma Gupta (Supra)***, and having regard to the governing Recruitment Rules, this Court finds no infirmity in the Impugned Order passed by the Tribunal. The Tribunal has correctly appreciated the applicable legal position and has rightly declined to grant relief to the Petitioner.

24. Consequently, the present Writ Petition is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 4, 2026

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