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

+ **W.P.(C) 10350/2023 & CM APPL. 40070/2023**

RANJITH REBELLO

.....Petitioner

Through: Mr. Pawan Reley, Mr. Akshay Lodhi,
Mr. Gaurav Kumar, Mr. Tanish
Rawat, Mr. Utkarsh & Ms. Simran
Singh, Advs.

versus

**MATA SUNDRI COLLEGE FORWOMEN
& ANR.**

.....Respondents

Through: Mr. APS Ahluwalia, Sr. Adv. with
Mr. S.S. Ahluwalia, Advs. for R-1.
Mr. Mohinder Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra &
Ms. Tripta Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.01.2026

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1. The present petition assails the result declared on 10th May, 2023 by Respondent No. 1, Mata Sundri College for Women, in respect of the post of Administrative Officer (VH Category).
2. The Petitioner, a person with visual impairment, applied pursuant to the advertisement issued for the said post. A written examination was held on 6th February, 2023, followed by an interview on 10th May, 2023. The result declared on the same date records that no candidate was found suitable and that the post would be re-advertised in terms of the applicable Recruitment Rules.
3. The Petitioner, being unsuccessful seeks quashing of the result dated



10th May, 2023 and a restraint against filling the post or proceeding with a fresh recruitment process. The reliefs sought are as under:

- “1. Quash the “Result” on the May 10,2023 issued by the respondent college, declaring the petitioner and all the disabled candidates as unsuitable for the disability reserved post of administrative officer.*
- 2. Direct the respondent college not to fill up the post till the final disposed of this petition.*
- 3. Direct the respondent college not to proceed further with the readvertisement of the post by way of receiving application and processing these.*
- 4. Direct that any action taken by the college concerning the administrative officer’s post will be subject to the result of this petition.”*

4. Mr. Pawan Reley, counsel for the Petitioner, submits that although the Petitioner participated in the selection process, the challenge is directed to the legality of the selection mechanism. It is urged that the advertisement anchored the selection to the Recruitment Rules (Non-Teaching Employees), 2020 framed by the University of Delhi, including the Scheme of Examination in Appendix 4. He contends that Clause 6 of the Note to the Scheme of Examination was applied in an arbitrary and opaque manner, with the practical effect of diluting the reservation earmarked for persons with disabilities.

5. Developing the submission, Mr. Reley argues that Clause 6 envisages a merit-based selection in which candidates must qualify Paper I, Paper II and the Personality Test/Interview separately, and that a merit list is then to be drawn on the basis of the combined score of the two written papers and the interview. The College, however failed to prepare and disclose the merit list for the written examination, the interview, or the consolidated merit list, thereby departing from the prescribed framework and rendering the exercise



arbitrary. It is further submitted that Clause 6 prescribes a minimum of 50% marks in the Personality Test/Interview, yet no evaluation chart or disclosed record exists to show how the Selection Committee assessed candidates on the notified parameters or how it reached the conclusion that no candidate was suitable. The interview was conducted perfunctorily and not in accordance with the seven factors set out in the Note to the Scheme of Examination. Reliance is placed on *Ajay Hasia v. Khalid Mujib Sehravardi*¹ to contend that the weightage accorded to the interview and the manner of its conduct admit of arbitrariness and are impermissible in law.

6. The Court is not persuaded that the present challenge merits interference under Article 226. Judicial review in recruitment matters is necessarily limited. The Court does not sit in appeal over the decisions of a Selection Committee or an expert body, nor does it re-evaluate marks, suitability, or the eligibility conditions prescribed by the employer. Interference is warranted only where the selection process is shown to be vitiated by *mala fides*, inherent arbitrariness, or violation of mandatory statutory provisions. Absent such infirmities, the Court must exercise restraint and decline to substitute its own views for that of the recruiting authority.

7. The Supreme Court has recently reiterated this principle in *Tajvir Singh Sodhi & Ors. v. State of Jammu & Kashmir & Ors.*², observing that candidates who participate in a selection process without demur cannot, after being declared unsuccessful, challenge the process on alleged procedural infirmities, such challenges being barred by the principles of waiver and

¹ (1981) 1 SCC 722.

² (2023) 17 SCC 147.



acquiescence. The relevant extract is as under:

“39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.”

[Emphasis Supplied]

8. The Petitioner, with full knowledge of the Recruitment Rules (Non-Teaching Employees), 2020 and Clause 6 of the Note to the Scheme of Examination, participated in the selection process without protest. Clause 6 clearly stipulates that only those candidates who qualify Papers I and II and secure a minimum of 50% marks in the Personality Test/Interview would be eligible for inclusion in the merit list. Having taken part in the selection under the notified framework, the Petitioner cannot, upon being declared unsuccessful, assail the validity of the very criteria governing the process.

9. Insofar as the challenge to Clause 6 itself is concerned, a plain reading of the provision makes it clear that the obligation to draw a merit list is expressly conditional upon candidates qualifying both written papers and securing the stipulated minimum of 50% marks in the Personality Test/Interview. The fixation of a qualifying benchmark in the interview is a matter of policy falling within the domain of the recruiting authority, particularly for an administrative post involving assessment of suitability



and decision-making ability. Clause 6 applies uniformly to all candidates, and no material has been placed on record to demonstrate arbitrariness, discrimination, *mala fides*, or deviation from the prescribed procedure.

10. The Petitioner has placed no material to show that he secured the minimum stipulated benchmark in the interview, or that any candidate secured it, so as to trigger the merit-list requirement under Clause 6. In that situation, the mere non-publication of a combined merit list cannot, by itself, invalidate the result recording that no candidate was found suitable.

11. The reliance on *Ajay Hasia* in the manner pressed, does not carry the Petitioner's case forward. The said judgment arose in the context of admissions to an educational institution and cautioned against arbitrary or excessive reliance on *viva voce* in academic selections. The said decision does not lay down any hard and fast rule as regards the precise weight to be assigned to a *viva voce* test *vis-a-vis* a written examination in all cases. The weightage necessarily varies from case to case, depending upon the nature of the post, the qualifications prescribed, the duties to be discharged, and the attributes sought to be assessed. In service selections, evaluation cannot be confined to performance in a written examination alone and legitimately requires assessment of suitability, personality traits, and decision-making ability. The determination of the interview component and the qualifying benchmark prescribed under the Recruitment Rules is essentially a matter for expert bodies and policy makers. In the absence of any demonstrated arbitrariness or *mala fides*, it would be neither appropriate nor permissible for this Court to substitute its own assessment for that of the recruiting



authority.³

12. Equally, the argument that reservation stands “*defeated*” because no appointment was made is misconceived. Reservation ensures access to consideration within the reserved stream. It does not compel appointment in the absence of suitability under a uniformly applied rule. Where the applicable rules require a minimum performance threshold, the recruiting body is entitled to return a finding that no candidate is suitable if that threshold is not met.

13. It must also be emphasised that subsequent to the impugned result dated 10th May, 2023, the post was re-advertised on 31st May, 2023 and a fresh selection has been completed. The Petitioner did not participate in the subsequent selection process. The post stands filled and no vacancy exists. Any meaningful relief now would necessarily unsettle the appointment made pursuant to the later selection and would prejudice the rights of the selected candidate, who is not before this Court.

14. In view of the foregoing, in the opinion of this Court, there is no merit in the present writ petition. The same is accordingly dismissed.

SANJEEV NARULA, J

JANUARY 7, 2026/ng

³ See also: *Ashok Kumar Yadav & Ors v. State of Haryana & Ors.* (1985) 4 SCC 417.