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

+ W.P.(C) 10980/2023 & CM APPL. 42546/2023
MAHESH KUMAR & ORS.Petitioners

Through:

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mrs. Avnish Ahlawat Standing
Counsel GNCTD Services with
Mr. Nitesh Kumar Singh,
Ms. Aliza Alam, Mr. Mohnish
Sehrawat, Advocates.
Ms. Tanu Priya, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.03.2026**

1. The present petition has been filed assailing the order dated 25.05.2023, in O.A. No. 3622/2019, whereby the learned Central Administrative Tribunal had dismissed the said original application after considering the entire aspects of the matter.
2. In substance, the Petitioners pray for interchange of vacancies reserved for visually handicapped candidates with orthopedically handicapped candidates, and thereby, to appoint the Petitioners to the post of Teacher (Primary).
3. Respondent No.3/ MCD has filed an affidavit dated 07.03.2026 disclosing that at present, there is no requirement of Teacher (Primary) for MCD schools.
4. The recruitment process began with issuance of advertisement



in the year 2017. The recruitment process under the aforesaid selection came to be closed in May, 2019. Pursuant to the same, aggrieved by their non-appointment, the Petitioners filed the subject original application in the year 2019 seeking interchanging of unfilled vacancies of visually handicapped with orthopedically handicapped, and their appointment with consequential benefits.

5. It is imperative to note that initially, by way of letter dated 02.05.2019, the SDMC recommended for inter-se-exchanging the unfilled vacancies. However, *vide* communication dated 02.05.2019, the selection board sought certain clarifications, including as to whether prior approval from the appropriate Government had been sought as is mandatory in terms of Section 34(2) of the Rights of Persons with Disabilities Act, 2016. It is averred before this Court that the said permission had never been sought.

6. As already noted above, during the pendency of the writ petition, the MCD has come up with a stand that now there is no requirement of Teacher (Primary) for MCD schools.

7. Keeping in view the aforesaid developments, the cause for issuance of writ does not survive, hence, the writ petition stands dismissed. Pending application also stands disposed of.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MARCH 9, 2026

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