



2026:DHC:2725-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Judgment reserved on: 28.03.2026**Judgment pronounced on: 02.04.2026**Judgment uploaded on: 02.04.2026*

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W.P.(C) 13505/2023 & CM APPL. 53300/2023

GOVT OF NCT OF DELHI

AND ORS

.....Petitioners

Through: Mrs. Avnish Ahlawat, SC
GNCTD Services with Mr.
Nitesh Kumar Singh, Ms. Aliza
Alam & Mr. Mohnish
Sehrawat, Advs.

versus

SHRI RAM VEER SINGH

.....Respondent

Through: Mr. Kedar Yadav & Ms. Sanya
Verma, Advs.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****ANIL KSHETARPAL, J.:**

1. The present Petition, filed by the Petitioners, assails the correctness of the order dated 02.03.2023 [hereinafter referred to as the 'Impugned Order'] passed by the learned Central Administrative Tribunal [hereinafter referred to as the 'Tribunal'] in O.A. No. 3303/2015. By virtue of the Impugned Order, the Tribunal has allowed the Original Application preferred by the Respondent and has directed the Petitioners to recommend his name as selected under the Scheduled Caste category for the post of Driver in Delhi Transport Corporation ['DTC'], Post Code 065/09, along with consequential

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benefits.

2. The principal issue that arises for consideration is whether a Scheduled Caste candidate who migrated from another State (Uttar Pradesh) to the National Capital Territory of Delhi is entitled to reservation benefits in a recruitment process conducted in 2009-2012, and if so, whether such benefit can be granted at a belated stage after the selection process has long concluded.

3. The factual matrix, to the extent relevant for adjudication of the present Petition, is not in dispute. The Respondent applied for the post of Driver in DTC pursuant to Advertisement No. 03/09 issued by the Delhi Subordinate Services Selection Board ['DSSSB']. He participated in the selection process under the Scheduled Caste category and successfully qualified both the written examination and the skill test.

4. However, at the stage of verification of documents, the candidature of the Respondent was rejected on the ground that he belonged to a Scheduled Caste notified in the State of Uttar Pradesh and, therefore, was not entitled to the benefit of reservation in the National Capital Territory of Delhi in terms of the law declared by the Supreme Court in *Subhash Chandra & Ors. v. DSSSB*¹.

5. Aggrieved by the said rejection, the Respondent initially approached the Tribunal by filing O.A. No. 3642/2011. The said application was disposed of on 13.02.2014 with a direction to the Petitioners to re-examine the case of the Respondent in light of the

¹ (2009) 15 SCC 458



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then prevailing legal position. Pursuant thereto, the Petitioners reconsidered the matter but once again rejected the candidature of the Respondent by a reasoned order dated 08.08.2014, reiterating that the Respondent was an “outsider Scheduled Caste” candidate and was not eligible for reservation in Delhi.

6. The Respondent thereafter filed O.A. No. 3303/2015, which has been allowed by the Tribunal by the Impugned Order. The Tribunal, while allowing the Original Application, placed reliance upon the Constitution Bench judgment of the Supreme Court in **Bir Singh v. Delhi Jal Board & Ors.**², wherein the legal position with regard to entitlement of Scheduled Caste candidates migrating to Union Territories to claim reservation benefits was clarified.

7. The present Petition has been filed challenging the aforesaid order.

8. It is an admitted position that the recruitment process in question pertains to Advertisement No. 03/09 and that the selection process stood concluded between the years 2010 to 2012. It is also not in dispute that the Respondent has not been appointed till date and has not rendered any service against the post in question.

9. After hearing learned counsel for the parties at considerable length, this Court, on 12.02.2026, had recorded the following order:

“1. The present Petition, preferred by the Petitioners, assails the correctness of the order dated 02.03.2023 [hereinafter referred to as “Impugned Order”] passed by learned Central Administrative Tribunal [hereinafter referred to as “Tribunal”] in O.A. No. 3303/2015, whereby the Tribunal has allowed the Original

² Civil Appeal No. 1085/2013 decided on 30.08.2018



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Application preferred by the Respondent and directed the Petitioners to recommend his name as selected under the Scheduled Caste category for the post of Driver, Delhi Transport Corporation (DTC), Post Code 065/09, along with consequential benefits.

2. The Respondent is stated to be presently 46 years of age. A perusal of the record reflects the Respondent applied for the post of Driver in DTC under Post Code No. 065/09, advertised by the Petitioner No.2, Delhi Subordinate Services Selection Board ("DSSSB") through Advertisement No.03/09. The Respondent appeared in the written examination and skill test and was shortlisted for selection under Scheduled Caste category. However, during document verification, the candidature of the Respondent was rejected on the ground that he belonged to a Scheduled Caste notified in the State of Uttar Pradesh and not in Delhi, and was thus held ineligible for reservation benefits in Delhi.

3. Aggrieved thereby, the Respondent filed O.A. No.3642/2011 before the Tribunal. The said OA was disposed of on 13.02.2014 with a direction to the Petitioners to re-examine the case of the Respondent in light of the then prevailing legal position.

4. Pursuant to the aforesaid direction, the Petitioners reconsidered the matter and again rejected the candidature of the Respondent by a reasoned order dated 08.08.2014, reiterating that the Respondent was an "outsider SC" and therefore not eligible for reservation benefits under the law as declared by the Supreme Court in *Subhash Chandra & Ors. v. DSSSB*; (2009) 15 SCC 458. Consequently, the Respondent filed O.A. No. 3303/2015 before the Tribunal.

5. By the Impugned Order, the Tribunal allowed O.A. No. 3303/2015, placing reliance upon the Constitution Bench judgment dated 30.08.2018 passed by the Hon'ble Supreme Court in *Bir Singh v. Delhi Jal Board & Ors.*, Civil Appeal No. 1085/2013. In the said decision, the legal position with regard to entitlement of Scheduled Caste/Scheduled Tribe candidates migrating to Union Territories to claim reservation benefits was authoritatively settled, subject to the conditions stipulated therein.

6. The present Writ Petition has come up for hearing before this Court in the year 2026. It is an admitted position that the recruitment process in question pertains to Advertisement No.03/09 and that the selection process was concluded more than a decade ago. It is also not disputed that the Respondent has not been appointed pursuant to the said selection and has not rendered any service against the post in question.

7. This Court has heard learned counsel for the parties at considerable length. The issues raised touch upon the applicability and effect of the judgment of the Constitution Bench in *Bir Singh* (supra) vis-à-vis selections that had attained finality prior to the

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pronouncement of the said decision, and the extent to which consequential benefits may be granted at this belated stage.

8. However, keeping in view the peculiar facts and circumstances of the present case, including the age of the Respondent, the prolonged pendency of litigation since the year 2011, and the fact that the selection process in question has long since concluded, this Court is of the view that the matter can be suitably balanced in equity so as to bring quietus to the dispute.

9. Accordingly, learned counsel representing the Petitioners is directed to examine the feasibility of employing the Respondent prospectively, without any claim for back wages, arrears, seniority, or other consequential benefits for the past period. The said exercise shall be undertaken expeditiously.

10. Learned counsel representing the Respondent, on instructions, submits that the Respondent has no objection to the aforesaid course being adopted and would be satisfied if he is considered for appointment strictly on a prospective basis, without claiming any back wages or retrospective benefits.

11. List on 02.03.2026 in the Supplementary List.”

10. Today, learned counsel appearing for the Petitioners submits that despite the observations made by this Court, the Government has not been able to take a final decision in the matter and, therefore, the Court may proceed to adjudicate the Writ Petition on merits. Learned counsel for the Petitioners does not dispute the correctness of the factual and legal position recorded in the order dated 12.02.2026.

11. Learned counsel for the Respondent, on instructions, reiterates the statement recorded in the order dated 12.02.2026 that the Respondent would be satisfied if he is considered for appointment on a prospective basis, without claiming any back wages, arrears, seniority or other retrospective benefits.

12. Before proceeding further, it would be apposite to notice that the controversy regarding entitlement of Scheduled Caste candidates, who migrate from one State to another State or a Union Territory, to

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claim reservation benefits has undergone significant judicial evolution. While in *Subhash Chandra (supra)*, the Supreme Court had taken a restrictive view, the Constitution Bench in *Bir Singh (supra)* has clarified the legal position, particularly in the context of the National Capital Territory of Delhi, having regard to its special constitutional status under Article 239AA of the Constitution of India.

13. At the same time, it cannot be lost sight of that the recruitment process in the present case was initiated in the year 2009 and stood concluded more than a decade ago. Ordinarily, courts would be slow in disturbing concluded selections or granting reliefs which may have the effect of unsettling settled positions, particularly where third-party rights may have intervened or appointments have already been made and acted upon.

14. However, the present case stands on a somewhat distinct footing. The Respondent has been pursuing his claim since the year 2011 and the matter has remained embroiled in litigation for a considerable period of time. Furthermore, the Respondent has now reached the age of approximately 46 years and has not been able to secure appointment despite having qualified the selection process.

15. This Court is also mindful of the fact that the Tribunal, while allowing the Original Application, had directed grant of full consequential benefits including seniority and notional fixation of pay. Grant of such retrospective benefits at this stage, in a recruitment process which concluded long ago, may not be justified and may give rise to complications.

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16. In the peculiar facts and circumstances of the present case, and having regard to the statement made on behalf of the Respondent, this Court is of the considered view that the ends of justice would be met if the Respondent is granted appointment on a strictly prospective basis, without disturbing the existing cadre position and without conferring any retrospective advantages.

17. Accordingly, the Writ Petition is disposed of with a direction to the Petitioners to appoint the Respondent to the post of Driver in Delhi Transport Corporation (Post Code 065/09), within a period of two months from today, subject to his fulfilling all other eligibility conditions as on date.

18. It is clarified that such appointment shall be strictly prospective in nature. The Respondent shall not be entitled to any back wages, arrears, seniority, or any other consequential or retrospective benefits. His appointment shall be treated as a fresh appointment from the date he joins service.

19. The pending application also stands disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 02, 2026

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