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

+ **W.P.(C) 10241/2024 and CM APPL. 42006/2024**

**DELHI SUBORDINATE SERVICES SELECTION BOARD
AND ANR**Petitioners

Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam, Mr.
Mohnish Sehrawat, Advs.

versus

PARMOD KUMARRespondent

Through: Mr. Sachin Kumar Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

16.01.2026

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1. Through the present Petitioner, the Petitioners assails the correctness of the order dated 27.09.2023 passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby O.A. No.3067/2016 filed by the Respondent was disposed of with the following directions:

"6. In view of the aforesaid, the present OA is disposed of in terms of OA No. 1497 /2017, as reproduced above, with the following directions: -

(i) Respondents are directed to consider the candidatures of the applicant for the relevant Post Code(s), subject to the applicant is found in merit and suitable otherwise at the relevant point of time. If on such consideration, the applicant is found suitable the applicant shall be appointed to the relevant post(s).

(ii) On such appointment, the applicant shall be eligible for consequential benefits, i.e., seniority, fixation of pay from the date when his immediate junior in the relevant merit list has been appointed.



(iii) However, consequential benefits and fixation of pay shall be on notional basis, the applicant shall not be entitled for any arrears.

(iv) The aforesaid exercise shall be completed by the respondents as expeditiously as possible and preferably within 10 weeks of receipt of a certified copy of this Order.”

2. This Court has been informed that a common examination was held on 28.12.2024, for two recruitment notices, issued in 2012 and 2013.

3. Learned counsel representing the Petitioners submits that the Respondent had obtained 88.75 marks in the recruitment examination against the cut-off of 95.5 marks for the year 2011-12, whereas, he had obtained 88.75 marks against the cut-off of 90 marks for the year 2012-13. Hence, the Respondent is not entitled to appointment.

4. It is evident that the CAT has only directed the Petitioners to consider the candidature of the Respondent for the relevant Post Code(s), subject to the Respondent is found in merit. Once the marks obtained by the Respondent are below the cut-off, the Petitioners have the liberty to reject the candidature of the Respondent.

5. In view of the aforesaid facts, learned counsel representing the Petitioners seeks and is granted permission to withdraw the present Petition in order to enable the Department to pass appropriate orders, within a period of one month.

6. The present Petition is accordingly dismissed as withdrawn. The pending application also stands closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 16, 2026

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