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

(10)

+ **LPA 797/2025**
AMITA KUMARI

.....Appellant

Through: Mr. Ashish Aggarwal, Mr. OP Faizi,
Mr. Anand Aggarwal, Ms. Darshana
Aggarwal, Ms. Nishtha Verma, Ms.
Anjali, Ms. Lisha Arora & Mr.
Himanshu Singh & Ms. Ishita,
Advocates (through VC).

versus

FOOD CORPORATION OF INDIA

.....Respondent

Through: Mr. Manoj & Ms. Aparna Sinha,
Advocates.

AND

(11)

+ **LPA 12/2026**
RITU GAHLOT

.....Appellant

Through: Mr. Ashish Aggarwal, Mr. OP Faizi,
Mr. Anand Aggarwal, Ms. Darshana
Aggarwal, Ms. Nishtha Verma, Ms.
Anjali, Ms. Lisha Arora & Mr.
Himanshu Singh & Ms. Ishita,
Advocates (through VC).

versus

FOOD CORPORATION OF INDIA & ORS.

.....Respondents

Through: Mr. Manoj & Ms. Aparna Sinha,
Advocates for Respondent No.1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA



ORDER

25.04.2026

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1. The matters are taken up today as 03.03.2026 was declared a holiday *vide* Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.
2. Heard the learned Counsel for the Parties.
3. Since the facts leading to filing of these two *intra-Court* Appeals are similar and the legal issue involved is common, with the consent of both the learned Counsel for the Parties have been heard together and are being decided by the judgment.
4. Under challenge in this *intra-Court* Appeal is the order dated 21.11.2025 (“**Impugned Order**”) passed by the learned Single Judge whereby W.P.(C) 2089/2017 and W.P.(C) 5782/2017 (“**Writ Petitions**”), both instituted by the respective Appellants in the Appeals, have been dismissed.
5. At this juncture itself, we may indicate that both the aforesaid Writ Petitions were instituted challenging the order terminating the services of the Appellants on the ground that at the time of initial appointment with the Food Corporation of India, they had furnished the Other Backward Class (“**OBC**”) certificate which depicted their caste not included in the Central List of the OBC rather their caste was included in the State List of OBC.
6. The learned Single Judge after discussing in detail the facts of the case has clearly opined that admittedly, the legal position which needs to be applied in the case of termination of services of the Appellants is that for seeking any employment with the Government of India or any Government of India organization, the reserved category candidates belonging to OBC should be included as such in the Central List and not the State List.



7. It is not in dispute that the castes to which both the Appellants belong to was not included in the Central List of OBC.

8. The learned Single Judge has relied upon a Division Bench Judgment of this Court in the case of **Pankaj v. Union of India**, (2005) ILR 2 Delhi 341 and has held that in view of the said law laid down by the Division Bench of this Court, the claim of the Appellants is not tenable.

9. The learned Counsel for the Appellants has, however, attempted to argue that the facts of **Pankaj** (supra) were different and, therefore, the law laid down therein by the Division Bench will have no application so far as the facts of the instant case are concerned.

10. He has stated that in **Pankaj** (supra), the employee concerned was working on a probation basis so far as the facts of the instant case are concerned, one of the Appellants was confirmed on her post whereas the other Appellant would be deemed to have been confirmed and, therefore, the ratio laid down in **Pankaj** (supra) does not have any application in the instant case.

11. We cannot agree with the said submission made by the learned Counsel for the Appellants for the simple reason that in case any employee is appointed on the basis of a caste certificate which is inapplicable for the purposes of seeking employment, such an appointment will be void *ab initio*. The appointment of the Appellants was also void *ab initio* for the simple reason that they did not fulfil the basic eligibility criteria for being appointed under the OBC category for the reason that they did not have the requisite certificate instead they had the certificate to their credit where it was depicted that they belonged to a caste which was included in the State List of OBC and not in the Central List.



12. Lastly, it has been argued by the learned Counsel for the Appellants that having regard to the long services rendered by the Appellants, the orders terminating their services are liable to be set aside.

13. We are unable to agree again with the said submissions of the learned Counsel for the Appellants. In case any appointment is void *ab initio* for want of fulfilment of basis eligibility, such continuance will not confer any right and in such situation, we are unable to exercise our equity jurisdiction as well in favour of the Appellants.

14. For the aforesaid reasons, we do not find any good ground to interfere with the impugned order passed by the learned Single Judge.

15. The Appeals are, therefore, dismissed. No order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 25, 2026/ 'A'