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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 799/2025, CM APPL. 82272/2025, CM APPL. 82273/2025 &
CM APPL. 82274/2025
NEERAJ TYAGI & ANR.Appellants

Through: Ms. Mamta Sharma, Mr. R. Gopalakannan and Mr. Rahul Kr. Choudhary, Advocates with Appellants in person.

versus

SUPREME COURT OF INDIA & ANR.Respondents

Through: Ms. Shiva Lakshmi Singh, Mr. Arvind G.P. and Mr. Madhav Bajaj, Ms. Anushikha Rathore, Advocates with Mr. Ashutosh Kalia, Asst. Registrar, Mr. Tarun Mourya, Sr. Court Asst., Ms. Ankita Zadoo, Court Asst. for SCI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

20.01.2026

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1. The present Appeal has been preferred against the Judgment and Order dated 03.11.2025 (“**Impugned Judgment**”) passed by the learned Single Judge in W.P. (C) 24/2023 (“**Writ Petition**”), whereby the Writ Petition filed by the Appellants was dismissed and the claim of the Appellants seeking appointment to the post of Chamber Attendant (R) was rejected.
2. The Appellants had applied for the post of Chamber Attendant (R) pursuant to a notification dated 14.03.2018 issued by recruitment cell of



Respondent No. 1 for filling up 13 vacancies. The written examination was held in September, 2018 and the result was published in October, 2019, wherein the Appellants were successful. Thereafter, the Appellants were called for skill test on 25.01.2020 and the result of the recruitment was published on 19.12.2020.

3. It is the case of the Appellants that as per the final result of recruitment published on 19.12.2020, 111 candidates were empaneled in the select panel, which was valid from 19.12.2020 to 26.11.2021. The Appellants were not informed as to how many out of 111 candidates will be appointed as there were only 13 vacancies. Although the Appellants were amongst 111 empanelled candidates, they were not called for appointment, whereas some of the other empanelled candidates had been called for joining by the recruitment cell of Respondent No. 1. Accordingly, the Appellants contacted the recruitment cell of Respondent No. 1 and they were informed that the Appellants would be called very soon, if there was any vacancy generated either by absence of or resignation by any candidate within the validity period of the panel, which was for one year.

4. Further submission of the Appellants is that ultimately, they were not called by the recruitment cell of Respondent No. 1 till the end date of the panel on 26.11.2021. After the expiry date of the panel the Appellants contacted the recruitment cell of Respondent No. 1; however, they were informed that the panel date was over and no information was provided regarding the number of candidates, who were offered appointments.

5. It is also stated that accordingly, Appellant No. 1 filed RTI Application dated 11.02.2022 with Respondent No. 1, which was responded on 28.03.2022, against which Appellant No.1 preferred an appeal under



Section 19 (1) of the Right to Information Act, 2005 (“**RTI Act**”).

6. It is argued that in the meanwhile, in response dated 11.04.2022 to another RTI application dated 07.03.2022 filed by Appellant No. 1, it was informed by Respondent No. 1 that 75 candidates were issued offer of appointment for the post of Chamber Attendant (R).

7. Appellants submit that *vide* order dated 09.05.2022, the Appellate Authority under the RTI Act, partly allowed the Appeal of Appellant No. 1. Pursuant to the directions in the order of the Appellate Authority under the RTI Act, Respondent No. 1 provided response dated 24.05.2022 disclosing that as on 26.11.2021 there were 38 vacancies for Chamber Attendant (R) and 11 vacancies were kept ‘reserved’ for candidates who did not join. Subsequently, reply dated 06.05.2022 and 18.05.2022 to RTI applications filed by Appellant No. 1 and Appellant No. 2 respectively, it was disclosed that 5 appointments were made in 2022, after the expiry of panel on 02.12.2021 including the appointments made on 01.02.2022, 11.02.2022 and 12.05.2022.

8. Based on the information disclosed in response to various RTI applications, the Appellants alleged that Respondent No. 1 manipulated the merit list by modifying the result on 02.12.2021 and publishing on 24.07.2022 without issuing any public notice on the official website of Respondent No. 1 and made clandestine appointments in violation of constitutional and statutory norms. Therefore, the Appellants filed the Writ Petition, which was dismissed *vide* Impugned Judgment while concluding as under:

“15. There was no vested right of the petitioner to claim the post on basis of being a successful candidate. No candidate lower in merit to the petitioner either as per the list of 19.12.2020 or the



revised result was appointed. No prejudice was caused to the petitioner by revaluation of the skill test. There is no arbitrariness in the action of the respondent. No case is made out in this writ jurisdiction.”

9. The main challenge of the Appellants to the Impugned Judgment is that the learned Single Judge did not appreciate that several candidates were appointed post expiry of the panel and those candidates had even failed to secure the minimum qualifying marks in the skill test and were never part of the empanelled list. Therefore, these candidates were ineligible for the appointment, resulting in direct denial of opportunity to the Appellants, who were duly qualified and empanelled. Further, the revised result dated 02.12.2021 was never published during the validity of the panel and surfaced for the first time after five months by way of a disclosure in response to the RTI application filed by the Appellants, which exposes manipulation of marks and clandestine alteration of the merit list without public notice or transparency.

10. Further, the representation dated 04.04.2022 made by the Appellants to Respondent No. 1 requesting to consider the candidature of the Appellants for appointment for the post of Chamber Attendant (R) was rejected *vide* order dated 17.10.2022 by Respondent No. 1, which was vague and did not appropriately consider the representation made by the Appellants.

11. It is argued that in the representation dated 04.04.2022, it was submitted by the Appellants that they were at Serial Nos. 93 and 108 in the panel and Respondent No. 1 called 70 candidates for appointment, out of which 59 joined on the post and 5 candidates resigned thereafter. Accordingly, there were 16 vacancies from allotted 70 vacancies and during



the validity of the panel, in which the Appellants were empanelled, 9 employees retired from the same post. Accordingly, there were 25 vacancies, but Respondent No. 1 did not call a single candidate during the validity period of the panel. Subsequently, in February, 2022, 3 candidates were appointed although they were not part of the panel and had not even qualified in the skill test.

12. The representations were rejected *vide* order dated 17.10.2022 by Respondent No. 1 stating that the 3 candidates alleged to have failed to qualify the skill test were part of the final / revised list of common merit list for the post of Chamber Attendant (R) dated 02.12.2021 after they had qualified the skill test and the result was uploaded on the official website of Respondent No. 1. Further, as regards the grievance that not a single candidate was called for the appointment against the post, which became vacant due to retirement / resignation, it was informed that total 65 candidates had been appointed from the panel, which was valid up to 02.12.2021 and not extended thereafter. It was also informed that the panel had specifically mentioned that “***candidates may note that mere placement in panel does not confer upon them any right to claim appointment for the post of Chamber Attendant (R)***”.

13. Respondent No. 1 has contended that 13 vacancies advertised were variable and increased to 70 by taking into account the vacancies on the date when the selection was finalized and this created no right in favour of successful candidates to seek direction that all vacancies arising thereafter should also be filled from the empanelled list.

14. The learned Single Judge, in the Impugned Judgment, has relied upon the decision of the Supreme Court in ***State of Orissa & Anr. v. Raj Kishore***



Nanda & Ors. (2010) 6 SCC 777, which held that the empanelment does not create an indefeasible right to be appointed. The Impugned Judgment has relied upon the decision of the Supreme Court in **Manoj Manu & Anr. v. Union of India & Ors.** (2013) 12 SCC 171, which held that inclusion of name of a candidate in select list does not bestow a vested right of appointment and it is for the Government to decide whether to fill all the vacancies or not, but for a valid reason. The Impugned Judgment also relies upon the decision in **Kulwinder Pal Singh & Anr. v. State of Punjab** (2016) 6 SCC 532, reiterating that the name of the candidate being in a merit creates no indefeasible right for appointment and such a list cannot be treated as a reserve list for future vacancies. Further, Impugned Judgment relies upon the decision of the Supreme Court in **Union of India v. Subit Kumar Das** 2025 SCC OnLine SC 2243 holding that the placing of a candidate in a waitlist does not create a vested right for appointment.

15. The appointment to the post of Chamber Attendant (R) are governed by and have been made by Respondent No. 1 in accordance with the powers conferred by Article 146 of the Constitution of India, 1950 to be read with the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961, which confers all administrative powers on Hon'ble the Chief Justice of India for determining the work structure of the Court, the Registry and for setting up the ministerial side of the Court. As per the said Rules, full autonomy is conferred upon Hon'ble the Chief Justice of India in the matters of appointment of the officers and staff of the Hon'ble Supreme Court. In the present case, after publication of the list / panel dated 19.12.2020 containing 111 candidates, the inadvertent discrepancies in awarding marks in the skill test were brought to the notice of Respondent



No. 1. Accordingly, appropriate steps were taken to correct the said discrepancies and a revised list / panel dated 02.12.2021 containing 111 plus 6 additional candidates, equaling 117 candidates in total was prepared. The Appellants were placed at Serial Nos. 93 and 108, respectively in the list / panel dated 19.12.2020 and were placed at Serial Nos. 98 and 114, respectively in the revised list / panel dated 02.12.2021. The last candidate in the unreserved category / OBC, who was offered the appointment to the post of Chamber Attendant (R) was at Serial No. 67, whereas the Appellants were at Serial Nos. 98 and 114, respectively in the revised list / panel dated 02.12.2021. Accordingly, all candidates appointed by Respondent No. 1 were placed higher on the merit list than the Appellants.

16. The Impugned Judgment rejected the allegation that the appointment of 5 unsuccessful candidates as per the revised list / panel was arbitrary exercise of power on the ground that after receiving the objections from the 5 candidates, the answer sheets of skill test of all the candidates were re-evaluated and the said 5 candidates were found to have qualified the skill test and stood higher in merit than the last selected candidate in the general category. As the Appellants were lower in the merit to the last candidate selected in the general category, no prejudice was caused to the Appellants because of revision of the results. The Impugned Judgment also holds that the appointment of 5 candidates beyond 25.11.2021 by extending the validity of the empanelled list was on reasonable basis in order to meet the situation where the result of skill test was revised on receipt of the objections. Accordingly, extension of the validity period up to 02.12.2021, i.e., the date of the result of the re-evaluated skill test was subject to the restriction that apart from the 5 candidates, no further appointment shall be



made. Accordingly, the Impugned Judgment holds that the exercise of power of extending the validity of empanelment list was reasonable and fair.

17. Further, the Impugned Judgment also rejected the argument that till such time the empanelment list was valid; all vacancies arising till then should have been filled from the successful candidates as the selected candidates in the list do not have vested right for the appointment over all the vacancies arising during that period as per the settled law discussed therein and hereinabove.

18. We entirely agree with the observations and findings in the Impugned Judgment as all the contentions of the Appellants in this Appeal have been dealt with in the Impugned Judgment. It is trite law that only the empanelment does not create an indefeasible right to be appointed and on being selected, there is no vested right of appointment for future vacancies. In any event, no prejudice was caused to the Appellant as irrespective of the revision in the panel, the Appellants would not have been selected given their position in the merit list. The Appellants did not suffer any loss of opportunity on account of revision of the panel as no candidate below the merit rank of the Appellants has been appointed by Respondent No.1.

19. The order dated 17.12.2022 passed by Respondent No. 1 in response to the representations made by the Appellants clearly addressed the objections of the Appellants and provided the reasons for not accepting the request for their appointment. The order also reiterated the note mentioned below the panel that the mere placement in panel did not confer any right to claim appointment for the post of Chamber Attendant (R).

20. Hence, we agree with analysis in the Impugned Judgment that there was no infirmity with the process adopted by Respondent No. 1 as the same



was not arbitrary, discriminatory or non-transparent.

21. In view of the above, the Appellants have not been able to make out any case for interference with the Impugned Judgment. Accordingly, the present Appeal along with the pending Applications stand dismissed. There shall be no order as to cost.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 20, 2026/sms