



2026:DHC:605-DB



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

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*Judgment reserved on: 19.01.2026**Judgment pronounced on: 27.01.2026**Judgment uploaded on: 27.01.2026*

+ W.P.(C) 16782/2025

SATINDER PAL

...Petitioner

Through: Mr. Sachin Chauhan, Adv.

versus

GOVT OF NCT OF DELHI & ORS.

...Respondents

Through: Mr. Siddhartha Shankar Ray,
CGSC along with Mr. Chetan
Jadon, Govt Pleader, Ms.
Sonali Modi and Mr. Mukul
Dev, 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 has been filed assailing the judgment and order dated 22.12.2023 [hereinafter referred to as 'impugned judgment'] passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'], whereby the Original Application (O.A.) bearing No. 4081/2018 filed by the Petitioner, was dismissed.

2. Shorn of unnecessary details, the brief facts leading to the filing of the present petition is that the Petitioner herein appeared in the Staff Service Commission (SSC) examination in the year 2012 for the post of Sub-Inspector (Executive), wherein he secured 299 marks against the cut off of 295.50 prescribed for his category. Subsequently, certain candidates who had participated in the aforesaid examination filed OA



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No. 917/2013, pursuant to which the cut-off marks were enhanced from 295.50 to 297.50.

3. Thereafter, the Respondents issued a Show Cause Notice dated 11.06.2014 to the Petitioner, putting him under notice for cancellation of his candidature on the allegation of copying in the aforesaid selection process. The said notice came to be challenged by the Petitioner by filing O.A. 3244/2014; however, the same was disposed of by the Tribunal in terms of the order passed in OA No.930/2014, subject to the final outcome of SLP Nos. 9019-21/2015 before the Supreme Court. The Supreme Court dismissed the said SLPs *vide* judgment dated 19.07.2017 and the review petition filed against the same also stood dismissed.

4. Parallely, another OA No. 1812/2013, came to be filed before the Tribunal by a different set of non-selected candidates, resulting in a further enhancement of the cut-off marks to 300. Consequent thereto, the Respondents declared the result of the Petitioner on 15.03.2018, wherein he was declared 'fail' in terms of the second revised result. Consequently, the Petitioner filed an OA before the Tribunal, which was dismissed. Aggrieved by the said dismissal, the Petitioner has now approached this Court.

5. We have heard learned counsel representing the Petitioner at length.

6. It has been argued by the learned counsel for the Petitioner that several candidates who had secured marks lower than that obtained by



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the Petitioner were appointed in the year 2014, prior to the decision of the Tribunal in OA 1812/2013.

7. It has further been argued that the Respondents presently have around 200 vacancies for the same post, which remain to be filled.

8. Admittedly the marks obtained by the Petitioner, i.e. 299, are less than the second revised cut-off marks which stands at 300. Further, the issuance of the show cause notice dated 11.06.2014 by the Respondents, placing the Petitioner under notice on allegations of cheating in the examination, has also not been disputed before this Court. In such circumstances, considerably it cannot be construed from the record or any argument raised by the Petitioner that the Respondents have acted mala-fide or wrongfully while considering the candidature of the Petitioner.

9. Turning to the argument regarding the appointment of candidates who allegedly secured lesser marks than the Petitioner, a perusal of the impugned judgment demonstrates that such appointments were made by the Respondents in furtherance of the judgment of Supreme Court in SLP (C) 26431-26432/2011 captioned ***Vikas Pratap Singh & Ors. vs. State.***

10. Moreover, the Petitioner has also failed to show that the selected candidates were similarly situated, inasmuch as it has not been shown that they were also issued show cause notices akin to that issued to the Petitioner in the year 2014. In view thereof, this Court does not find itself inclined to accept the said contention, particularly



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when the appointments were made in compliance with the directions issued by the Supreme Court.

11. As regards the submission that the Respondents are stated to have around 200 vacancies for the same post, the said contention does not advance the case of the Petitioner. It is well settled that the filling up of vacancies lies within the exclusive domain of the employer, and no candidate has vested right to seek appointment merely on the ground that vacancies exist.

12. The scope of judicial review in matters of recruitment is limited, and this Court cannot issue directions to fill up vacancies unless a legal or constitutional infirmity or unlawful parity is demonstrated from the actions of the employer.

13. Moreover, it is to note that the recruitment process in question pertains to a notification issued as far back as in the year 2012. At this distance of time, and particularly in absence of any patent illegality or arbitrariness on behalf of the Respondents, this Court finds no justification to reopen or adjudicate upon the said recruitment process in the year 2026, particularly when the marks obtained by the Petitioner are less than the final revised cut-off marks.

14. In view of the aforesaid, the present Petition, pending application (if any), is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 27, 2026/s.godara/hr