

Govt Of Nct Of Delhi And Anr vs Navneet Singh on 2 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

\$~101

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 02.04.20

+

W.P.(C) 4112/2025

GOVT OF NCT OF DELHI AND ANR

Through:

.....Petit
Mrs. Avnish Ahlawat, Stan
Counsel, GNCTD with Mr.
Nitesh Kumar Singh, Ms.
Laavanya Kaushik, Ms. Ali
Alam, Mr. Mohnish Sehrawa
Advs.

versus

NAVNEET SINGH

Through:

.....Respondent
Mr. Ankur Chhibber and Mr
Anshuman Mehrotra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 19086/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4112/2025 & CM APPL. 19085/2025

2. This petition has been filed by the petitioners, challenging the Order dated 09.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'learned Tribunal') in Original Application No.2340/2024 (hereinafter referred to as, 'OA'), titled Navneet Singh v The GNCTD & Ors., allowing the said OA filed by the respondent herein following the Order dated 19.07.2024 passed by this Court in W.P.(C) 2814/2024 titled Govt. of NCT of Delhi & Anr. v. Rishikesh Sharma and the connected matters.

3. A brief background of the facts giving rise to the present petition is that the respondent, pursuant to an Advertisement/Notification No. 02/21 dated 12.05.2021 issued by the Delhi Subordinate Services Selection Board (hereinafter referred to as, 'DSSSB') for vacancies for TGT (Male) and (Female) for various subjects and Assistant Teacher (Primary), had applied for the post of TGT (Natural Science) under the EWS category. The closing date for the submission of the online

application was 24.06.2021, which was later extended till 04.07.2021. It is the case of the respondent that he could not resolve the deficiency memo issued with regard to his EWS certificate by the closing date due to the lockdown declared by the Government owing to the spread of the COVID-19 pandemic. As his candidature was later rejected by the petitioners on the ground that he could not submit his EWS certificate issued on or before the extended date for making the applications, the respondent filed the abovementioned OA before the learned Tribunal.

4. The learned Tribunal, by a common Judgment dated 08.08.2023, in OA 1524/2022 titled Anju and Ors. v. Govt. of NCT of Delhi and Ors. and connected matters, allowed the said OAs filed by similarly situated individuals as the respondent herein, directing as under :-

"12. Conclusion:

12 .1 In conspectus of the facts of the case and in view of the above discussion, we are convinced that the applicants do possess valid EWS Certificates issued to them by the Competent Authority based on their financial status, income and assets and met the eligibility criterion. Therefore, we allow these OA(s) in peculiar facts and circumstances as narrated herein-above, the rejection notices of the respective applicants for respective categories are quashed and set aside. The applicants in all these OA(s), who are having EWS Certificates for last three financial year(s) as on the cutoff date, the respondents are directed to re-examine and reconsider the cases of the applicants afresh. On reexamination, if their candidature is found to be in order in view of the observation supra, the respondents shall process their cases, and issue offer of appointment(s) in their respective post code and respective category as per their merit position, if otherwise fulfilling other eligibility conditions as per RR's. The applicants shall be entitled to all consequential benefits which shall flow on a notional basis only. The actual benefit shall accrue from the date when the applicants actually join the post.

12.2 The above exercise shall be completed by the respondents within a period of twelve weeks from date of receipt of a certified copy of this order."

5. The above Judgment was challenged by the petitioners before this Court in the form of W.P.(C) 2814/2024, titled Govt. of NCT of Delhi and Anr. v. Rishikesh Sharma, and connected petitions. This Court, in its Order dated 22.05.2024, upon hearing the parties, observed as under:-

"5. Having perused the impugned order as also the aforesaid decisions relied upon by both sides, we are of the view that, in the peculiar facts of the present case, the learned Tribunal was justified in directing the petitioner to consider the candidature of respondents on merits."

6. The said batch of petitions was later dismissed by this Court, vide its Order dated 19.07.2024, directing the petitioners to carry out the directions of the learned Tribunal within a period of six weeks from the date of the said Order.

7. We are informed that an Order in compliance with the directions of this Court has been issued by the DSSSB.

8. The learned counsel for petitioners reiterates that as the respondent did not submit his EWS certificate along with his application before the closing date, he was rightly not offered appointment. She further submits that presently, there are no vacancies against which the respondent can be accommodated.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that this Court has already dismissed the petitions raising similar pleas filed by the petitioners, and the petitioners should not be allowed to re-agitate the same plea in this petition. He further submits that the learned Tribunal directed the petitioners to keep a seat vacant for the respondent, if not already filled. He submits that, therefore, the petitioners cannot make the relief, which has been granted to the respondent, infructuous, by now claiming that there is no vacancy against which the respondent can be accommodated.

10. We have considered the submissions made by the learned counsels for the parties.

11. As would be evident from the above, the issue raised by the petitioners in the present petition already stands decided by this Court vide its Order dated 22.05.2024 read with Order dated 19.07.2024 referred to hereinabove. Merely because of the change of the Bench of this Court, this Court would not like to re-open the issues which have already been settled and, in fact, as claimed by the learned counsel for the respondent, partly implemented by issuance of necessary Orders by the DSSSB.

12. As far as the lack of vacancies is concerned, the learned Tribunal vide its Order dated 18.06.2024, passed in OA 2340/2024 has directed the petitioners to keep a seat vacant for the respondent herein in case he was to succeed in the OA filed by him. We are of the opinion that once the respondent has succeeded in the OA filed by him, he cannot be denied the relief; the Order of the learned Tribunal needs to be implemented.

13. Therefore, we find no merit in the present petition. The same, along with pending application, is accordingly, dismissed.

14. The petitioners shall comply with the directions issued by the learned Tribunal within a period of six weeks from today.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 2, 2025 Ab/sm/IK Click here to check corrigendum, if any