



2026:DHC:2240-DB



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

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Judgment reserved on: 25.02.2026
Judgment pronounced on: 18.03.2026
Judgment uploaded on: 18.03.2026

+ W.P.(C) 15587/2025
SONIKA ARYAPetitioner
Through: Mr. Anil Singhal, Adv.

Versus

GOVT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.Respondents

Through: Ms. Avnish Ahlawat, SC along
with Mr. Nitesh Kumar Singh,
Ms. Aliza Alam and Mr.
Mohnish Sehrawat, 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. Through the present Petition, the Petitioner seeks issuance of a writ in the nature of certiorari by assailing the order dated 09.09.2025 [hereinafter referred to as the 'Impugned Order'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal] in Original Application ('O.A.') No. 4229/2017 captioned *Mrs Sonika Arya v. Govt. of NCT of Delhi & Ors.*, whereby the OA preferred by the Petitioner came to be dismissed.



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2. By way of the said OA, the Petitioner had sought a direction to the Respondents to consider her for appointment to the post of PGT (Sanskrit) - (Female) under Post Code 178/14 against an unfilled vacancy in the Other Backward Classes ('OBC') category. The Petitioner was placed at Serial No. 2 in the unselected OBC waitlist pursuant to Advertisement No. 01/14 issued by the Delhi Subordinate Services Selection Board ('DSSSB').

3. The learned Tribunal, while noticing that one of the four advertised OBC vacancies remained unfilled and that the candidature of one selected OBC candidate was ultimately cancelled, declined relief to the Petitioner on the ground that the waiting panel had expired on 09.10.2017 and that the cancellation of the said candidature on 05.09.2018 could not revive or extend an exhausted panel.

4. In order to appreciate the issue involved in this Petition, relevant facts, in brief, are required to be noticed.

5. DSSSB issued Advertisement No.01/14 in the year 2014, inviting applications for, *inter alia*, the post of PGT (Sanskrit) (Female) under Post Code 178/14. Sixteen vacancies (UR-07, OBC-04, SC-02, ST-03 including 01 OH and 01 VH) were notified for the said post, out of which four vacancies were earmarked for the OBC category. The Petitioner participated in the selection process and applied for the same in the OBC category.

6. Upon declaration of the result on 10.10.2016, three candidates were declared successful in the OBC Category and appointed, whereas



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the candidature of one selected OBC candidate bearing Roll No. 35002828 was kept pending for verification of her OBC certificate.

7. The Petitioner was placed at Serial No. 2 in the unselected OBC waitlist and was called for document verification. The fourth advertised OBC vacancy remained unfilled on account of the pending verification of the aforesaid candidate for a considerable time.

8. The Petitioner sought clarification regarding the status of the fourth vacancy from the DSSSB, and was informed that the candidature of the said candidate was still under consideration.

9. In the aforesaid backdrop, the Petitioner instituted O.A. No. 4229/2017 before the learned Tribunal in November 2017, seeking consideration for appointment against the said vacancy. During the pendency of the proceedings, the candidature of the fourth selected candidate bearing Roll No. 35002828, *vide* Result Notice No. 714 dated 05.09.2018, was cancelled.

10. The Respondents, however, took the position before the learned Tribunal that the waiting panel was valid only for a period of one year from the date of declaration of the result, *i.e.*, till 09.10.2017, and since the cancellation of the fourth candidature occurred thereafter, the Petitioner could not be considered for appointment.

11. The learned Tribunal dismissed the Original Application of the Petitioner, holding that the OA had been filed in November 2017, *i.e.* after the expiry of the waiting panel in October 2017. The cancellation of Roll No. 35002828 in September 2018 took place well after the



expiry of the wait-list on 09.10.2017, and cannot revive or extend an exhausted panel and the Petitioner, being only a wait-list candidate, had no enforceable right to appointment.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

12. Learned counsel for the Petitioner submits that the learned Tribunal failed to appreciate that four vacancies were admittedly advertised under the OBC category, whereas only three candidates were appointed and one vacancy remained unfilled on account of the Respondents' prolonged verification of the candidature of Roll No. 35002828.

13. It is contended that the Petitioner, being placed at Serial No. 2 in the unselected OBC merit list and having been called for document verification, had a legitimate right to be considered against the said vacancy once the candidature of the above candidate was cancelled on 05.09.2018.

14. Learned counsel submits that the delay in finalising the verification of the said candidate was entirely attributable to the Respondents, and the Petitioner cannot be made to suffer on account of administrative inaction. It is argued that the vacancy had in fact arisen during the pendency of the Original Application before the Tribunal and, therefore, the Respondents were under an obligation to operate the waitlist and consider the next eligible candidate.

15. It is further submitted by the counsel for the Petitioner that the learned Tribunal erred in holding that the waiting panel had expired on 09.10.2017, inasmuch as the result of all the advertised vacancies



had not been finalised by that date. According to the Petitioner, the panel could not be treated as exhausted until the candidature of the pending candidate for the fourth vacancy was decided.

16. Reliance is placed on the decision of this Court in *Kuldeep Singh v. DSSSB*¹, to contend that where the recruitment process is not fully completed, and vacancies remain unfilled for reasons attributable to the employer, the Respondents are obliged to operate a reserve panel so that notified vacancies do not go to waste.

17. Learned counsel for the Petitioner also submits that the Respondents cannot be permitted to take advantage of their own delay in concluding the verification process and thereafter plead expiry of the panel to deny appointment to an otherwise eligible candidate.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

18. *Per contra*, learned counsel appearing for the Respondents submits that the Petitioner was placed at Serial No. 2 in the unselected OBC waitlist and did not figure in the selected merit list of candidates. It is submitted that inclusion in a waitlist does not confer any vested or indefeasible right to appointment.

19. It is also submitted that the result of the examination was declared on 10.10.2016, and the waiting panel, as per the applicable policy of the DSSSB, remained valid for a period of one year, *i.e.*, till 09.10.2017. Since the Petitioner did not fall within the zone of selection during that period, no right accrued in her favour.

¹ 2012 (118) DLT 101



20. Learned counsel contends that the candidature of Roll No. 35002828 was cancelled only on 05.09.2018, *i.e.*, well after the expiry of the waiting panel. Therefore, the Respondents were legally precluded from operating the waitlist panel thereafter, and the unfilled vacancy was rightly returned to the user department.

21. It is further submitted that the Petitioner, being at Serial No. 2 in the unselected OBC list, could not have been considered in any case unless the first waitlisted OBC candidate had been exhausted during the validity period of the panel.

22. It was also contended that a candidate in a select or wait list does not acquire an enforceable right to appointment and that no direction can be issued once the waiting panel has lapsed.

23. The Ld. Counsel for the Respondents submits that the learned Tribunal has correctly appreciated the factual and legal position, and no interference is called for in the exercise of jurisdiction under Articles 226 and 227 of the Constitution of India.

ANALYSIS AND FINDINGS:

24. The Petitioner admittedly did not figure in the selected list of candidates. She was placed at Serial No. 2 in the OBC waitlist. It is well settled that inclusion in a waitlist does not confer any vested right to appointment but only a limited right to be considered, subject to the availability of a vacancy during the validity period of the waitlist panel unless the governing rules provide otherwise.

25. Even assuming that one OBC vacancy ultimately remained unfilled, the Petitioner would enter the zone of consideration only



upon exhaustion of the first waitlisted candidate. There is no material on record to demonstrate that the first waitlist candidate was either unavailable, unwilling, or otherwise disqualified during the validity period of the panel. In the absence of such circumstances, no enforceable right to consideration accrued in favour of the Petitioner.

26. The result of the examination was declared on 10.10.2016. As per the policy governing the Respondents, the waiting panel remained valid for a period of one year, *i.e.*, till 09.10.2017.

27. The Original Application came to be instituted in November 2017, after the date when the waitlist panel had already expired. Significantly, on the date of institution of the Original Application, no vacancy had arisen, and the waitlist panel had ceased to be operative.

28. The candidature of the fourth selected candidate in the OBC Category, whose result had been kept pending, came to be cancelled only on 05.09.2018, *i.e.*, nearly one year after the expiry of the panel. The vacancy, therefore, crystallised at a point in time when the waitlist panel had already lapsed, and a lapsed panel cannot be operated by a subsequent vacancy. Equally, a cause of action cannot be created retrospectively during the pendency of proceedings when none existed on the date of institution.

29. The Supreme Court in ***Rajasthan Public Service Commission, Ajmer v. Yati Jain & Ors***² and the connected appeals, has held that a candidate included in a waiting list does not acquire any indefeasible right to appointment and that such inclusion only enables

² 2026 INSC 64



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consideration if a selected candidate does not join and such contingency arises during the validity of the waitlist.

30. The Supreme Court further clarified that the waiting list cannot be treated as a perennial source of recruitment. A waiting list has a limited validity period, and once its period of validity expires and the panel stands exhausted, no appointment can be made therefrom. A vacancy arising after the expiry of the waiting list must be filled only through a fresh recruitment process, and the limited right of a wait-listed candidate does not survive the lapse of the panel. The prescription of a time-limit is intended to prevent the operation of stale panels and to safeguard the rights of future aspirants. The limited right of a wait-listed candidate is confined to consideration during the subsistence of the list and does not survive its lapse.

31. In the present case, the waiting panel expired on 09.10.2017, whereas the cancellation of the candidature of the fourth selected candidate occurred on 05.09.2018. The panel having lapsed, no right of consideration survived in favour of the Petitioner.

32. The contention of the Petitioner that the result could not be treated as final so long as the candidature of one selected candidate remained under verification is misconceived.

33. The declaration of the result on 10.10.2016 was complete in respect of the selected list of candidates and the waitlist. The pendency of verification of one candidate did not defer the operation of the waitlist panel, nor did it extend its validity period in the absence of any rule to that effect. To accept such a contention would render the



life of waitlist panels indeterminate and contingent upon administrative timelines of verification.

34. The reliance placed by the Petitioner upon the decision of this Court in *Kuldeep Singh (supra)* is misplaced. That decision arose in a materially different setting, where the recruitment was governed by a general merit list, the advertisement did not prescribe minimum qualifying marks, and, more importantly, did not indicate any outer time-limit for exhaustion of the vacancies notified in that examination. It was in that backdrop that the Court observed that the zone of consideration could legitimately move downward until all notified vacancies from that examination were filled, particularly where the user department itself continued to requisition names from the same examination.

35. In the present case, the governing advertisement, 01/2014, in the note under mode of selection itself expressly stipulated that the reserve panel/waiting list would remain valid only for one year from the date of declaration of result, and that only vacancies arising within the contingencies specified therein within the one-year period could be filled therefrom. The result was declared on 10.10.2016, and the panel ceased to remain operative on 09.10.2017. The vacancy sought to be relied upon by the Petitioner arose only upon cancellation of candidature on 05.09.2018, i.e. after the waitlist had lapsed.

36. The Petitioner has also failed to demonstrate any arbitrariness, discrimination, or mala fides on the part of the Respondents. No candidate lower in rank in the waitlist to the Petitioner has been shown to have been appointed in derogation of the Petitioner's claim,



nor has any violation of the statutory recruitment rules been demonstrated.

37. The principle that inclusion in a select or waitlist does not confer a right to appointment, particularly after the expiry of the panel, is well settled. The learned Tribunal, in substance, applied the correct legal position in holding that the cancellation of candidature in September 2018 could not revive a panel that had lapsed in October 2017.

CONCLUSION:

38. In view of the foregoing discussion, this Court is of the opinion that the Petitioner does not possess any subsisting or enforceable right to seek appointment against the post in question. The waiting panel had admittedly expired on 09.10.2017, prior to both the institution of the Original Application and the eventual cancellation of the candidature of the selected candidate on 05.09.2018. Any vacancy, having arisen after the lapse of the waitlist panel, could not be filled from an exhausted list.

39. The Petitioner, being placed at Serial No. 2 in the unselected OBC waitlist and there being no material to show that the candidature of the first waitlisted candidate had been exhausted during the validity of the waitlist panel, never entered the zone of consideration. No arbitrariness, discrimination, or violation of the recruitment rules has been demonstrated by the Petitioner.

40. The conclusion arrived at by the learned Tribunal reflects a view that is plausible. No jurisdictional error, manifest perversity, or



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patent illegality has been shown so as to justify interference by this Court. The Impugned Order, therefore, warrants no interference.

41. The present Petition is, accordingly, dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 18, 2026

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