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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG,NEW DELHI-110001

Order Sheet

Item no.: 9
O.A./3000/2026 (DELHI)
[RECRUITMENT]
With
M.A./3819/2026
MA Joining Together
Court No.: 4

No of Adjournment:

Order Dated: 12/08/2026

ANUJA SHARMA
Vs
UNION PUBLIC SERVICE COMMISSION (UPSC)

For Applicant(s) Advocate : Mr. Anuj Aggarwal with Mr. Shubham Bahl, Mr. Shakib Malik, Mr. Nikhil Pawar, Ms. Tanya Rose and Mr. Pradeep Kumar

For Respondent(s) Advocate : Mr. R V Sinha, Mr. H A Khan

Central Administrative Tribunal

Order of The Tribunal

The present Original Application has been filed by the applicants seeking, inter alia, substantive relief in respect of their candidature/eligibility in the selection process initiated pursuant to Advertisement No. 51/2026 issued by UPSC inviting applications for appointment to the posts of Principal and Vice Principal in the Directorate of Education (DoE). It is stated that a total of 124 vacancies for the post of Principal and 704 vacancies for the post of Vice Principal have been notified. At this stage, learned counsel for the applicants seeks interim relief, particularly in view of the fact that the last date for submission of applications is 14.08.2026.

2. Learned counsel for the applicants submits that all the applicants are working as Guest Teachers and, as reflected in the table placed on record at page 13-14 of the paper book, have been rendering service for a period exceeding five years. He draws our attention to the relevant Recruitment

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Rules as well as the following stipulation contained in the advertisement/instructions:

> *"Note: The period of experience rendered by a candidate on part time basis, daily wages, visiting guest faculty will not be counted while calculating the valid experience for short listing the candidates for interview."*

3. Learned counsel submits that the aforesaid stipulation finds mention at page 70 of the paper book, whereas the Recruitment Rules placed at page 108 do not contain any such exclusion in respect of the experience acquired by Guest Teachers. According to him, the impugned instruction travels beyond the Recruitment Rules and cannot curtail the scope of eligibility otherwise contemplated thereunder.

4. Learned counsel further draws our attention to clause 5 of the Recruitment Rules, which reads as under:

> *"5. Power to relax:- where the Government is of the opinion that if necessary or expedient so to do, it may by an order, for reasons to be recorded in writing, and in consultation with Union Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons."*

5. Placing reliance upon the aforesaid provision, learned counsel for the applicants contends that the Recruitment Rules themselves contemplate flexibility in appropriate cases and do not warrant the rigid exclusion sought to be introduced through the impugned instructions.

6. Learned counsel further submits that the expression "visiting guest faculty" appearing in the impugned note cannot be equated with Guest Teachers engaged by the Directorate of Education. Learned counsel submits that there exists a clear distinction between a person engaged as a visiting/guest faculty member and remunerated on a per-lecture basis, and a Guest Teacher who discharges regular teaching functions on a continuous basis and receives monthly remuneration. According to him,

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the experience gained by the latter category cannot be ignored merely because the nomenclature of engagement happens to be that of a Guest Teacher.

7. Learned counsel for the applicants further submits that the applicants have already acquired substantial teaching experience extending beyond five years and that denial of an opportunity to participate in the selection process at this stage would result in serious and irreversible prejudice. It is argued that once the last date for submission of applications expires, the applicants would be deprived of an opportunity which may not be capable of restoration even if they ultimately succeed in the Original Application.

8. Opposing the prayer for interim relief, Mr. R V Sinha, learned counsel appearing for the respondents raises a preliminary objection regarding the maintainability of the Original Application. He submits that the impugned instructions are merely explanatory and clarificatory in nature and are required to be read harmoniously with the Recruitment Rules. According to the respondents, the interpretation sought to be advanced by the applicants is misconceived and cannot furnish a valid basis for grant of interim relief.

9. Learned counsel for the respondents further contends that the instructions forming part of the advertisement are binding upon all candidates and are intended to supplement and operationalize the Recruitment Rules. It is submitted that the instructions neither override nor supplant the Recruitment Rules but merely clarify the manner in which the requirement of experience is to be assessed for the purpose of shortlisting. Reliance has also been placed on judicial precedents in support of the aforesaid submission.

10. We have considered the rival submissions and perused the material placed on record. At this stage, the principal issue which arises for consideration is whether the experience acquired by Guest Teachers

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working continuously and drawing monthly remuneration stands on the same footing as experience rendered by "visiting guest faculty" as referred to in the impugned note contained in the advertisement.

11. *Prima facie*, the contention of the applicants that the Recruitment Rules do not expressly exclude the experience acquired by Guest Teachers cannot be brushed aside at this stage. Equally, the respondents' contention that the instructions are clarificatory in nature and must be read in conjunction with the Recruitment Rules would also require detailed examination. The interplay between the stipulation contained in the advertisement at page 70and the provisions of the Recruitment Rules placed at page 108, including clause 5 thereof, would require consideration after the respondents place their stand on affidavit.

12. We are also of the view that the question whether the expression "visiting guest faculty" is wide enough to include Guest Teachers engaged by the Directorate of Education on a continuous basis and receiving monthly remuneration is an issue which requires detailed adjudication. The answer to the said question would necessarily depend upon the scheme of the Recruitment Rules, the nature of engagement of the applicants and the true import of the impugned instructions.

13. At the same time, we cannot lose sight of the fact that the last date for submission of applications is 14.08.2026. If the applicants are denied participation at this stage and ultimately succeed in establishing their claim, the prejudice occasioned to them may not be capable of being adequately remedied. The balance of convenience, therefore, warrants protection of their right to participate in the selection process, subject of course to the final outcome of the proceedings.

14. In the totality of the facts and circumstances, and without expressing any final opinion on the merits of the controversy, we are satisfied that the applicants have made out a prima facie case for grant of limited interim protection.

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15. Accordingly, it is directed that the applicants shall be permitted to participate in the selection process pursuant to Advertisement No. 51/2026 for the post of Principal, and without prejudice to the rights and contentions of either side.

16. It is made clear that participation in the selection process pursuant to the present order shall not create any vested, equitable or indefeasible right in favour of the applicants for appointment or final selection. Their candidature and eligibility shall remain subject to the outcome of the present Original Application.

17. The result of the applicants, if any, shall be kept in a sealed cover and shall not be opened or acted upon without the leave of this Tribunal.

18. Issue notice. Mr. R V Sinha and Mr. H A Khan, learned counsel appear and accept notice on behalf of the respective respondents. The respondents shall file their detailed counter affidavit within four weeks. Rejoinder, if any, be filed within two weeks thereafter.

19. Liberty is granted to both sides to seek variation, modification, clarification or vacation of the present interim order, if so advised.

20. List the matter on 27.10.2026.

Dr. Anand S Khati
Member (A)

Manish Garg
Member (J)

Sneha Meena
(steno 'c')