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

\+ **W.P.(C) 669/2026**

GOVT OF NCT OF DELHI AND ORS .....Petitioners

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Adv.

versus

SWATI SHARMA .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 19.01.2026

CM APPL. 3307/2026 ***[exemption from filing typed / true / certified / original copies of the annexures)***

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 669/2026 & CM APPL. 3306/2026 ***[stay]***

3. Through the present writ petition, the petitioners assail the correctness of the order dated 19.09.2025 (hereafter '**impugned order**'), passed by the learned Central Administrative Tribunal (hereafter '**CAT**'), Principal Bench, New Delhi in O.A. No. 3896/2023.

4. The respondent participated in the recruitment process for the post of PGT (Sanskrit). She obtained 177.50 marks, which was much more than the cut-off marks. However, her offer of appointment was withheld as the second page of her admit card was misplaced in the office of the Delhi Subordinate Services Selection Board (hereafter

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'**DSSSB**'). Subsequently, after verifying the video footage, the respondent was issued appointment letter facilitating her joining.

5. The learned CAT, while considering these facts including that the respondent was not at all at fault, had directed that the respondent shall be entitled to benefits of seniority, increment and other consequential benefits including arrears of salary with effect from 13.09.2019, that is, the date when her counterparts / persons lower in merit were allowed to join and were issued appointment letters.

6. The learned counsel representing the petitioners submits that on the principle of 'No work, no pay', the respondent is not entitled to arrears of salary.

7. This Court has considered the submission. It is evident that the petitioners do not claim that the respondent was at fault for delay in the issuance of her appointment letter. The principle of 'No work, no pay' cannot be invoked in such circumstances particularly when the DSSSB took its own sweet time to locate the second page of the respondent's admit card and to verify her participation in the selection process.

8. Hence, this Court finds no ground to interfere with the impugned order.

9. Accordingly, the present writ petition along with the pending application is dismissed.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

JANUARY 19, 2026
'KDK'

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Item No. 23 (C-6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No. 3896/2023

This the 19th Day of September, 2025

Hon'ble Mr. B. Anand, Member (A)
Hon'ble Mr. Ajay Pratap Singh, Member (J)

Swati Sharma
Aged about 35years,
D/o Sh. Shankar Sharan Sharma
R/o 218, DDA Harmony Apartments, Sector-4, Pocket-I,
Dwarka,
Delhi-110078
Mob. No. 9205408239
Post: PGT (Sanskrit) (Female)
Post Code: 117/17
Group: B Sub: Antedate of regularization
Group C

.....Applicant

(By Advocate: Mr Nikhil Pawar, Mr Anuj Aggarwal, Ms. Tanya Rose, Mr Bhumica Kundra, Mr Shakib Malik)

VERSUS

1. **Directorate of Education**
The Director of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines, Delhi-110054
Email ID: diredu@hub.nic.in, diredu@nic.in

2. **Delhi Subordinate Services Selection Board (DSSSB)**
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi-110092
Email: dsssb-secy@nic.in

3. **Govt. of NCT of Delhi**
Through its Chief Secretary
Delhi Secretariat, IP. Estate

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New Delhi-110002 ·
Email: secservices@nic.in

.... Respondents

(By Advocate : Mrs Purnima Maheshwari)

ORDER (ORAL)

Hon'ble Mr. B. Anand, Member (A):

1. Learned counsel for the applicant, by way of filing this OA u/s 19 of AT Act, 1985, has sought the following relief(s):-

> *"8. (i) Declare that the impugned action on the part of the respondents in not granting the seniority and other consequential benefits to the applicant w.e.f. 13.09.2019 i.e., the date when counterparts/juniors of the applicant were granted seniority, increments, etc. by the respondents, is illegal as well as unjustified;*
>
> *(ii) Direct the respondents to grant the benefits of seniority and increment and other consequential benefits, including the arrears of salary w.e.f. 13.09.2019 i.e., the date when counterparts/juniors of the applicant were issued appointment letter by the respondents herein, along with interest thereupon to be calculated @18 % per annum;*
>
> *(iii) allow the present Original Application with costs in favour of the applicant; and*
>
> *(iv) issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant."*

2. The brief facts matrix of the case, as gleaned from the records and based on the pleadings made by the learned counsel(s) of both side, is that the applicant herein had responded to a vacancy notice/ advertisement No. 04/17 dated 20.12.2017 issued by respondent no.2/DSSSB for the post of PGT (Sanskrit) (post code-117/17) and the applicant had participated in the selection process and obtained the marks of 177.50 in the examination and ought to have been given the appointment letter

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alongwith offer of appointment letters issued to others, who had also participated in the same selection process and had received their offer of appointment letters on 14.06.2019.

3. Learned counsel for the applicant further submits that while all others, who had participated in the same examination process, received their appointment letters on 13.9.2019, however, the applicant herein received her offer of appointment letter only on 10.8.2020 and thereafter, an appointment letter was issued to her on 01.10.2020 stating that she should report her duty at respective place of duty latest by 02.11.2020. Accordingly, the applicant herein reported for duty on 21.10.2020. It is the contention of the learned counsel for the applicant that such late joining of the applicant on 21.10.2020 whereas others who had participated in the same selection process joined on various dates at their respective place of posting latest by 14.09.2019. He submits that for no fault of the applicant, despite participating in the examination and fulfilling all the formalities associated with the recruitment process and not being found late as far as any of the deadlines in the recruitment process is concerned and having scored 177.50 marks, she has been forced to join only on 21.10.2020 which has resulted in loss of seniority and consequential service benefits throughout her carrier, compared to others who have participated in the same selection process alongwith her and who could joint latest by 14.09.2019.

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4. Learned counsel for the applicant relies upon the following judgments of the Hon'ble Apex Court:-

(i) **Sunil and Ors. Vs. High Court of Delhi and Ors.** in Civil Appeal Nos. 2883-85 of 2023 decided on 23.04.2023. *Para 18, 25 & 26 read as under:-*

> *"18. The issue before this Court for consideration is:*
>
> *whether the appellants herein whose marks were increased pursuant to the exercise of re-evaluation are entitled to be ranked in accordance with the revised marks in the merit list which determines their seniority for future promotions?*
>
> *xxx xxx xxx*
>
> *25. Now, so far as the decisions relied on behalf of the respondents referred to hereinabove, shall not be applicable to the facts of the case on hand. In the case of K. Meghchandra Singh (supra) the issue under consideration was that whether while deciding the inter se seniority between promotees and direct recruits, seniority to direct recruits can be granted from the date on which vacancy arose/date of initiation of recruitment. In the present, case the appointment of appellants w.e.f. 30.01.2017 has been upheld, which has not been challenged by the respondents. The grant of inter se seniority to appellants from 30.01.2017 is because the exercise of the re-evaluation was essentially a correction in the select list dated 30.01.2017.*
>
> *26. In view of the above and for the reasons stated above, the present appeals are allowed. The impugned judgment(s) and order(s) passed by the High Court are hereby quashed and set aside. The decision of the Special Committee dated 01.10.2018 is hereby restored and it is observed and held that the respective appellants herein shall be entitled to the notional seniority w.e.f. 30.01.2017 in accordance with the revised marks on re- evaluation. Present appeals are accordingly allowed. No costs."*

(ii) **Apoorva Pathak Vs. High Court of Madhya Pradesh and Anr. 2023 SCC Online SC 1445** decided on 14.10.2023. Para 13 & 14 are reproduced herein below:-

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> *"13. It is stated before us that in the subject matter of Writ Petitions Nos. 1038/2023, 388/2023 and 423/2023, the High Court has taken a decision to appoint the concerned candidates but the issue of seniority has been left to the Full Court.*
>
> *14. In our view, there is nothing left to be decided by the Full Court as the seniority must be given as per the principles laid down in the judgment of this Court in the case of C. Jayachandran vs. State of Kerala and Ors. (2020) 5 SCC 230 and must operate as per the original seniority from the date of selection in order of merits. However, these petitioners not having worked, albeit for no fault of theirs, will not be entitled for any monetary entitlements."*

(iii) **C. Jayachandran Vs. State of Kerela and Ors. (2020) 5 Supreme Court cases 230** decided on 04.03.2020. Para 38 is reproduced herein below:-

> *"38. In view of the above, the appellant having been participated in the same selection process and in view of the direction of the Division Bench of the High Court, was rightly placed by the High Court by giving him revised select list placing him at Sl. No. 41 by pushing Badharudeen from general category candidate to OBC category candidate at Sl. No. 42."*

5. Learned counsel for the respondents by way of referring to their counter and their written submission has vehemently opposed the contention of the applicant and they have drawn attention of the Bench to the letter dated 03.03.2020 issued by respondent no. 2 (DSSSB) to the effect that *the 2nd page of the admit card of the candidates is not traceable. The competent authority has approved that in place of 2nd page of admit card, a copy of attendance sheet, video footage of the candidates as entry are being forwarded to user department for thorough verification of genuineness of candidate.*

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6. The respondents stated that they are guided by the DoP&T OM dated 13.08.2021 which is followed by the Judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 8833-8835 of 2019 of ***K. Meghachandra Singh & Ors. Vs Ningam Siro & Ors***. Para 6 (ii) of the said OM reads as under:-

> *"6. (ii) The terms 'recruitment' and appointment' have to be read harmoniously and the not the initiation of recruitment process itself. It thus follows that the seniority of direct recruits and promotees henceforth stands delinked from the vacancy/year of vacancy."*

7. The respondents have also stated that such a delay in the appointment letter being issued to the applicant is due to circumstances beyond their control as they are guided by DoP&T OM dated 13.08.2021 referred herein above and inasmuch as the second page of the admit card of the candidate is not traceable and they have obtained the orders of the competent authority to take into account copy of attendance sheet, video footage of the candidate at the entry gate in lieu of the second page of admit card, this has resulted in unavoidable delay.

8. We have heard the learned counsel(s) for the parties and with their assistance, we have gone through the pleadings on record. We find that the respondents do agree with the submission of the learned counsel for the applicant that the applicant herein had participated in the recruitment process and there has been no concession given to her and having sat for examination, the applicant secured high marks as 177.50.

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9. The contention that other candidates who had also participated in the same examination process and who received their appointment letters as early as on 13.09.2019, the applicant could not be given the same on that date alongwith others on account of the fact that the second page of the admit card of applicant was not traceable and reflects poorly on the recruitment process undertaken by the professional body like DSSSB who ought to ensure that all documentation connected with the examination process are carefully preserved, if necessary, digitized and on no account take the plea that such vital documents connected with the recruitment process are misplaced or lost. In any case, for the mistake committed by the recruitment agency, the innocent candidate like the applicant herein should not suffer in terms of their service benefits in their rest of career.

10. We are moved by the learned counsel for the applicant, who relies upon aforementioned three judgments, wherein in all the three judgments he is seeking to establish that either on account of improper moderation of marks or on account of various procedural mistakes made in the selection process, the candidates therein, who had suffered, were subsequently restored to the seniority position on account of judicial intervention contained in those three judgments. The same judgments come to the rescue of the applicant herein and therefore, we are inclined to allow this OA by restoring notional seniority of the applicant to the same

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date wherein all others candidates have been given their appointment, and grant the relief(s) sought for by the respondents. Accordingly, we direct the respondents to grant the benefits of seniority and increment and other consequential benefits, including the arrears of salary w.e.f. 13.09.2019 i.e., the date when counterparts/juniors of the applicant were issued appointment letter by the respondents. The respondents are directed to implement the same within a period of six weeks from the date of receipt of a certified copy of this Order.

11. No order as to costs.

(Ajay Pratap Singh)
Member (J)

(B.Anand)
Member (A)

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