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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.09.2026

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CNR No. DLHC010429622026

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LPA 713/2026 & CM APPL. 61620/2026

JOLLY BATOO

.....Appellant

Through: Mr. Rakesh Khanna, Senior Advocate
with Mr. S.K. Gupta and Mr. Udit
Gupta, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Latika Choudhary, Advocate for
R-1.
Ms. Disha Choudhary, GP for UoI.
Mr. Siddharth Krishna Dwivedi,
Advocate for R-4 and R-5.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****DEVENDRA KUMAR UPADHYAYA, C.J. (ORAL)****CM APPL. 61621/2026 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 61619/2026 (Condonation of Delay)

3. This is an Application filed on behalf of the Appellant seeking condonation of delay of 71 days in filing the present Appeal.
4. For the reasons stated in the Application, the same is allowed. The delay of 71 days in filing the present Appeal is hereby condoned.
5. The Application stands disposed of.

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6. The appellant, a directly recruited Post Graduate Teacher (PGT) in Commerce, working with the respondent No.4 – Lady Irwin Senior Secondary School (hereinafter referred to as **‘the School’**), seeks to challenge the judgment dated 27.02.2026 passed by the learned Single Judge whereby W.P.(C) No. 16751/2024 instituted by the appellant has been dismissed. The appellant also challenges the order dated 18.05.2026 passed on the petition preferred by her seeking review of the said judgment dated 27.02.2026, which was also dismissed by the said order.

6.1 The challenge made by the appellant before the learned Single Judge in the underlying writ petition related to seniority list of the PGT teachers in the school issued in the month of March, 2022 (hereinafter referred to as **‘March 2022 seniority list’**) where the appellant is shown at serial No.6 whereas respondent Nos. 6, 7, 8 and 9 have been shown at serial Nos. 1, 3, 4 and 5 respectively. The appellant had also challenged the promotion of respondent No.7 on the post of Vice Principal *vide* Departmental Promotion Committee’s (**‘DPC’**) recommendation dated 28.11.2024.

6.2 Prior to issuance of the March 2022 seniority list, a seniority list is said to be in existence which was prepared in October, 2020 where the appellant was shown senior to respondent Nos. 7, 8 and 9, however, she was shown junior to respondent No.6. The seniority position of the appellant in the said October, 2020 seniority list was at serial No.4 whereas the respondent No.6, 7, 8 and 9 were shown at serial Nos.2, 10, 9 and 7 respectively.

6.3 The respondent No.4 – school is a recognised, Government aided and



privately managed school. The recruitment and terms and conditions of service of employees of such schools are governed by the provisions contained in Chapter XIII of Delhi School Education Rules, 1973 (hereinafter referred to as the '1973 Rules'). So far as the determination of seniority of the employees in the school is concerned, the same is governed by Rule 109 which is extracted herein below:

“109. Seniority

(i) There shall be a seniority roster for each grade and the names of the employees appointed to posts in each grade shall be arranged in the roster in accordance with this rule.

(ii) Seniority of employees shall be determined by the order of merit in which they were selected for appointment to the concerned post, these selected on an earlier occasion being ranked senior to those selected later:

Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by society or trust running such schools prior to the commencement of these rules, inter-se-seniority of all employees of such schools shall continue to be maintained jointly.

(iii) Inter-se-seniority between direct recruits and promotees shall be determined according to the rotation of vacancies between direct recruitments and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules.

(iv) Inter-se-seniority of employees of any grade shall be determined by the managing committee in accordance with the rules applicable to the employees of corresponding posts appointed in the Government schools:

Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by the society or trust running such schools prior to the commencement of these rules, such inter-se-seniority shall be determined by such society or trust.

Explanation:- In this rule the word 'grade' means a post or a group of posts created for work of the same nature in a school:

Provided that where posts are created for work of the same nature in different schools run by the same society or trust all such posts shall be deemed to be in a single grade, if they were treated as such by the society or trust prior to the commencement of these rules.”

7. As per the afore-quoted provisions for determination of seniority,



Rule 109(ii), in unambiguous terms, provides that seniority of employees shall be determined by the order of merit in which they were selected for appointment to the post in question. It further states that those selected on an earlier occasion shall be ranked senior to those selected later.

8. Sub-Rule (iii) of Rule 109 further provides that the inter-se seniority between direct recruits and promotees shall be determined in accordance with the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules. Sub-Rule (iv) provides that as far as inter-se seniority of employees of any grade is concerned, the same shall be determined by the managing committee of the School, in accordance with the rules applicable to the employees of corresponding posts appointed in the Government schools.

9. So far as seniority position of respondent No.6 – Ms. Jyoti Singh vis-à-vis the seniority of the appellant is concerned, since Ms. Jyoti Singh was appointed as PGT on 01.07.2003 and the appellant was appointed as PGT on 13.08.2008, as such, applying Rule 109(iii) which provides that those selected on an earlier occasion shall be ranked senior to those selected later, it is crystal clear that there does not appear to be any dispute in relation to seniority of the appellant vis-à-vis respondent No.6 – Ms. Jyoti Singh.

10. The respondent No.7 – Ms. Sharda Verma was initially appointed as Trained Graduate Teacher ('TGT') in the school on 25.02.1988 whereafter she was promoted as PGT on 14.07.2008. Thus, the respondent No.7 is a PGT teacher whose date of retirement is 31.03.2026. She has, thus, retired from the services of the school.

11. The claim put forth by the appellant before the learned Single Judge



claiming her placement in the seniority list over and above respondent No.7 was based on the assertion that the respondent No.7 was promoted against the vacancy of the recruitment year 2008-09 whereas the appellant was recruited directly against the vacancy in the recruitment year 2007-08 and, therefore, she should have been placed in the seniority list over and above respondent No.7. The learned Single Judge, however, on detailed discussion, has held that Rule 109 does not provide for conferment of seniority merely because recruitment process was initiated earlier or because the interview/selection took place earlier. The learned Single Judge has further recorded that the said Rule provides for inter-se seniority between direct recruits and promotees to be fixed in accordance with the rotation of vacancies between direct recruits and promotees based on quota of vacancies reserved for direct recruitment and promotion, however, the appellant had utterly failed to establish her case in respect of her claim relating to seniority vis-à-vis respondent No.7 for the reason that respondent No.7 was promoted as PGT by the DPC held on 14.07.2008 whereas the appellant was appointed *vide* appointment letter dated 13.08.2008. Therefore, the appellant cannot claim seniority from a date prior to a date when she was not even born in the cadre. Admittedly, the appointment of the appellant was made on 13.08.2008 as PGT teacher whereas respondent No.7 was promoted to the post of PGT on 14.07.2008 and in absence of any material establishing a breakdown of rota-quota rule, in our opinion, the claim of the appellant vis-à-vis respondent No.7 has rightly been rejected by the learned Single Judge.

12. As far as appellant's claim of seniority over and above the seniority position of respondent Nos.8 and 9, we may note that the appellant as also



the respondent Nos.8 and 9 are directly recruited PGT working in the school. In the selection process, the respondent No.8 had secured 77.4/100 marks, respondent No.9 had secured 54.7/100 marks whereas the appellant had secured 53.9/100 marks.

13. Rule 109(ii) clearly provides that seniority of employees shall be determined by the order of merit in which they were selected for appointment to the concerned post. Applying the said Rule, since respondent No.8 had secured the highest marks amongst the incumbents, i.e. 77.4/100 marks, she has been placed over and above the appellant as also the respondent No.9. The respondent No.9 had secured 54.7/100 marks which is more than the marks obtained by the appellant who secured 53.9/100 marks and, therefore, in terms of the said rule, respondent No.9 has been rightly placed over and above the appellant. All these three incumbents were issued the appointment letters on the same date i.e. 30.07.2008. They were subjected to the same selection process and since respondent Nos. 8 and 9 had secured higher merit position in the said selection list as compared to the merit position of the appellant, in terms of Rule 109(ii) of the 1973 Rules they have been placed above the appellant in the seniority list issued in March, 2022.

14. The learned counsel for the appellant, has, however, drawn our attention to the October, 2020 seniority list where the time of interview of these three incumbents is also mentioned, according to which, the appellant was interviewed at 09:30 A.M., respondent No.8 was interviewed at 10:00 A.M. and respondent No.9 was interviewed at 01:30 P.M. On this basis, it has been submitted on behalf of the appellant that since the appellant was selected prior in time, i.e. on an earlier occasion, as compared to respondent



Nos. 8 and 9, therefore, she should be placed over and above respondent Nos. 8 and 9 in the seniority position.

15. To buttress the aforesaid submission, reliance has been placed by learned counsel for the appellant on Clause 2.1 of the Instructions and Guidelines issued by the Department of Personnel and Training, Government of India ('DoPT') which was circulated *vide* circular dated 11.11.2010.

16. Clause 2.1 of the said Instructions and Guidelines is in respect of seniority of direct recruits, according to which, relative seniority of direct recruits has to be determined in the order of merit in which they are selected on the recommendation of UPSC or other selecting authorities. It further provides that persons appointed as a result of an earlier selection will be senior to those appointed as a result of subsequent selection. Clause 2.1 of the Instructions and Guidelines on seniority issued by the DoPT *vide* circular dated 11.11.2010 is extracted herein below:

“2.1. SENIORITY OF DIRECT RECRUITS

The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection. The relative seniority that used to be determined earlier according to the date of confirmation and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), in accordance with the general principles of seniority, has been discontinued w.e.f. 4.11.1992 (O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992). The general principles of seniority therefore stands modified to that extent.”

17. It has been argued that the said Instructions clearly state that persons appointed as a result of an earlier selection shall be senior to those appointed on the basis of subsequent selection and since selection of the appellant took



place prior in point of time as compared to the selection of respondent Nos. 8 and 9, she should be placed senior. It is stated that the appellant was interviewed at 09:30 A.M on 12.06.2008, whereas respondent No.8 was interviewed at 10:00 A.M. on 09.07.2008 and respondent No.9 was interviewed at 01:30 P.M on 12.06.2008, therefore, the appellant, applying the said guideline, shall be treated to be senior to respondent Nos.8 and 9.

18. The aforesaid submission, in our considered opinion, is absolutely misconceived for the reason that Clause 2.1 of the Instructions and Guidelines on Seniority issued by the DoPT provides that inter-se seniority of direct recruits will be determined in the order of merit with a further provision that persons appointed as a result of earlier selection will be senior to those appointed as a result of subsequent selection, however, that would not mean that in the course of the same selection if a candidate is interviewed or subjected to selection on an earlier date or at a prior point in time on the same date, such a candidate has to be placed over and above those who were subjected to selection or interviewed at a later date or at a later point in time on the same date.

19. The phrases 'earlier selection' and 'subsequent selection' occurring in Clause 2.1 of the Guidelines have been used in relation to two different selections conducted pursuant to two different recruitment processes and not in relation to the same selection conducted pursuant to the same recruitment process. In other words, if a recruitment process is initiated by issuing an advertisement, the eligible candidates may be subjected to selection or interviewed on different dates and in such a situation there inter-se seniority will be determined on the basis of their merit position obtained by them in the selection process which may span a period of more than a day or week or



even a month.

20. The applicability of Clause 2.1 of the Instructions and Guidelines on Seniority issued by the DoPT is only in case the candidates are subjected to selection process or interview conducted on the basis of two different recruitment processes initiated by issuance of two different advertisements.

21. In a situation where two different selection processes are undertaken pursuant to two different recruitment processes by issuing two different advertisements, the employee selected pursuant to the selection process initiated at an earlier point in time will be senior to the one who is selected on the basis of selection conducted at a later point of time. The provisions of Clause 2.1, thus, cannot be stretched to be applied to a situation where two different candidates are subjected to selection or interview in the same selection process initiated on the basis of same recruitment.

22. Accordingly, the aforesaid submission made by learned counsel for the appellant merits rejection which is hereby rejected.

23. It is also to be noticed that Rule 109(ii) of the 1973 Rules is couched almost in similar language as Clause 2.1 of the Instructions and Guidelines on Seniority issued by the DoPT. Rule 109(ii) provides that those selected on an earlier occasion shall be ranked senior to those selected later. This too, however, would only apply in a situation where selections are held on different occasions based on two different selection process initiated on the basis of two different recruitment processes. Accordingly, the provisions of Clause 2.1 of the Instructions and Guidelines on Seniority issued by DoPT *vide* its circular dated 11.11.2010 do not lend any credence to the submission made in this regard by learned counsel for the appellant.

24. No other substantial ground was urged on behalf of the appellant



while arguments were made in this appeal.

25. For the reasons aforesaid, we do not find any good ground to interfere with the impugned judgment dated 27.02.2026 passed by the learned Single Judge in W.P.(C) No. 16751/2024. We also do not find any irregularity so as to interfere with the order dated 18.05.2026 passed by the learned Single Judge on the petition seeking review of the judgment dated 27.02.2026.

26. Resultantly, the appeal is hereby dismissed.

27. There will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

SEPTEMBER 10, 2026

N.Khanna