



2026:DHC:997-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 30.01.2026

Judgment pronounced on: 07.02.2026

Judgment uploaded on: 07.02.2026

+ W.P.(C) NO. 1339/2026, CM APPL. 6656/2026, CM APPL. 6657/2026 & CM APPL. 6658/2026

DR. BAHUBALI N. SHETTIPetitioner

Through: Dr. Amit George, Mr. Akshay Bhandari, Mr. Manu Jain, Ms Rupam Jha, Ms. Medhavi Bhatia, Mr. Adhishwar Suri, Mr. Bhrigu A. Pamidighantam, Mr. Vaibhav Gandhi, Mr. Kartikay Puneesh, Advs

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ANR.

.....Respondents

Through: Mr. Anand Varma & Mr. Ayush Gupta Advs. for R-1. Mr. Shrey Kapoor, Mr. Nishit Agrawal, Ms. Kanishka Mittal & Ms. Deepti Rathi, Advs for R-2.

CORAM:

**HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN**

JUDGMENT

ANIL KSHETARPAL, J.

1. The present Petition, filed by the Petitioner, assails the correctness of order dated 13.01.2026 [hereinafter referred to as



2026:DHC:997-DB



‘Impugned Order’] passed by learned Central Administrative Tribunal [hereinafter referred to as ‘Tribunal’] in O.A. No. 4242/2024 whereby the Original Application filed by Respondent No.2 herein was allowed, the Economically Weaker Section [hereinafter referred to as ‘EWS’] certificate submitted by the Petitioner was declared to be invalid for the purposes of recruitment under the EWS category, and consequential directions were issued to the Respondent No.1/AIIMS to terminate the appointment of the Petitioner as Senior Resident (Ophthalmology).

2. By the Impugned Order, the Tribunal further directed that the post be offered to the next eligible candidate under the EWS category, and in the absence thereof, be converted to the Unreserved [‘UR’] category and offered to Respondent No.2 in accordance with the merit list and the applicable prospectus.

3. The issue which arises for consideration in the present Petition is whether the Tribunal committed any jurisdictional error, perversity, or patent illegality in holding that the stipend/remuneration received by the Petitioner during the relevant financial year constituted salary/income for the purposes of determining eligibility under the Economically Weaker Section category, and in consequently declaring the EWS certificate submitted by the Petitioner to be invalid and directing termination of his appointment.

FACTUAL MATRIX

4. In order to appreciate the controversy involved in the present Petition, relevant facts in brief are required to be noticed. Respondent



2026:DHC:997-DB



No.1/AIIMS issued a prospectus dated 05.06.2024 inviting applications for engagement to the post of Senior Resident/Senior Demonstrator in various departments, including the Department of Ophthalmology. The total number of seats in the said department were 16, consisting of 06 seats for the Unreserved category, 01 seat for the EWS category, 08 seats for the Other Backward Classes ['OBC'] category and 01 seat for Scheduled Tribe ['ST'] category. This prospectus, *inter alia*, provided for reservation of posts in favour of candidates belonging to the EWS category, subject to fulfilment of the eligibility conditions prescribed under the Office Memorandum dated 31.01.2019 issued by the Department of Personnel and Training ['DoPT'], which stood adopted by AIIMS.

5. Pursuant to the aforesaid prospectus, the Petitioner applied for the post of Senior Resident (Ophthalmology) under the EWS category. Along with his application, the Petitioner furnished an EWS certificate issued by the competent authority certifying that his family income for the relevant financial year was within the prescribed threshold. The Petitioner also submitted the requisite undertaking affirming the correctness of the information furnished by him in the application form and the documents appended thereto.

6. Upon completion of the selection process, a first merit list was prepared and the first round of seat allocation was undertaken by Respondent No.1. As per the merit list, Respondent No.2 was placed at Rank No.7 in the Unreserved category, whereas the Petitioner was placed at Rank No.19 under the EWS category. Respondent No.2 could not secure a seat in the Unreserved category owing to the cut-off



applicable to that category, whereas the Petitioner was offered appointment against the EWS category vacancy.

7. Aggrieved by the selection and appointment of the Petitioner under the EWS category, Respondent No.2, through her father, submitted representations to the Director, Assistant Controller of Examinations as well as to the Registrar of AIIMS, alleging that the Petitioner was not eligible to be considered under the EWS category as the remuneration received by him during the relevant financial year exceeded the prescribed income limit, and that the EWS certificate furnished by him was, therefore, liable to be treated as invalid. It was further requested that thorough verification of the documents be carried out before declaration of the final result.

8. In the absence of any action on the representations made to Respondent No.1, the father of Respondent No.2 sought information under the Right to Information ['RTI'] Act, 2005 *vide* application dated 14.09.2024, seeking details regarding the payments received by the Petitioner from Respondent No.1, as well as the income tax deductions made therefrom for the financial year 2023-24. During the pendency of the said RTI application, Respondent No.1 proceeded to declare the second merit list and called upon the selected candidates to collect their appointment letters on 23.09.2024.

9. Subsequently, Respondent No.1 furnished a reply to the aforesaid RTI application, enclosing Form-16 pertaining to the Petitioner, which reflected the total taxable income of the Petitioner as Rs.13,59,032/- for the financial year 2023-24. It was also stated that



2026:DHC:997-DB



the other RTI application seeking further particulars had been transferred from the Examination Section to the Academic Section of Respondent No.1/AIIMS for appropriate action.

10. Aggrieved thereby, Respondent No.2 approached this Court by filing W.P.(C) No. 14267/2024, *inter alia*, seeking cancellation of the appointment of the Petitioner on the ground that the EWS certificate furnished by him was false and that he was ineligible to be considered under the EWS category. During the pendency of the said writ petition, Respondent No.1 informed, through the grievance portal of the Government of India, that the EWS certificate submitted by the Petitioner had been forwarded to the issuing authority for verification of its authenticity. Thereafter, the writ petition filed by Respondent No.2 was dismissed as withdrawn with liberty to approach the Tribunal.

11. Consequently, Respondent No.2 instituted O.A. No. 4242/2024 before the Tribunal, challenging the selection and appointment of the Petitioner under the EWS category and seeking cancellation thereof, primarily on the ground that the remuneration received by the Petitioner during the relevant financial year exceeded the income ceiling prescribed for eligibility under the EWS category in terms of the Office Memorandum dated 31.01.2019 issued by the DoPT.

12. In the meanwhile, Respondent No.2 also initiated proceedings before the Tehsildar, District Belagavi, Karnataka, who is the competent authority for issuance of EWS certificates, seeking cancellation of the EWS certificate issued in favour of the Petitioner.



2026:DHC:997-DB



The Sub-Divisional Officer/Tehsildar, District Belagavi, passed an order dated 24.02.2025 bearing No. NO/OTC/CR-01/2024, whereby the EWS certificate issued to the Petitioner was cancelled on the ground that the stipend/remuneration received by the Petitioner was liable to be treated as salary for the purposes of computing family income.

13. Aggrieved by the said order dated 24.02.2025, the Petitioner preferred an appeal/revision before the competent authority, namely, the District Magistrate, Belagavi. *Vide* order dated 15.04.2025, the District Magistrate granted interim stay of the order cancelling the EWS certificate. The interim protection granted in favour of the Petitioner was extended from time to time and, finally, *vide* order dated 14.08.2025, the District Magistrate extended the interim stay till the disposal of O.A. No. 4242/2024 pending before the Tribunal.

14. After hearing the parties, the Tribunal, by the Impugned Order dated 13.01.2026, allowed O.A. No. 4242/2024, declared the EWS certificate furnished by the Petitioner to be invalid, held that the remuneration received by the Petitioner constituted income for the purposes of determining EWS eligibility, and directed Respondent No.1 to terminate the appointment of the Petitioner as Senior Resident (Ophthalmology). The Tribunal further directed that the post be offered to the next eligible EWS candidate and, in the absence thereof, be converted to the Unreserved category and offered to Respondent No.2 in accordance with the applicable prospectus and merit list.



CONTENTIONS OF THE PARTIES

15. Contentions of the Petitioner

15.1. Learned counsel appearing on behalf of the Petitioner assailed the Impugned Order as being legally unsustainable, arbitrary, and vitiated by errors apparent on the face of the record. It was submitted that the learned Tribunal failed to appreciate the true nature of the remuneration received by the Petitioner during his tenure as a Junior Resident and erroneously proceeded to treat the same as 'salary' for the purposes of determining eligibility under the EWS category, thereby travelling beyond the permissible limits of judicial review.

15.2. It was contended that the Tribunal erred in law in recharacterising the stipend paid to Junior Resident Doctors as income arising out of employment, despite the settled position that Junior Residency is an integral and mandatory component of post-graduate medical education. Learned counsel submitted that the engagement of Junior Residents is essentially academic in nature and incidental to the pursuit of higher medical qualifications, and does not create a conventional employer-employee relationship with Respondent No.1.

15.3. It was submitted that the remuneration received by the Petitioner was in the nature of stipend or scholarship paid to medical graduates undergoing structured post-graduate training, and could not be equated with income earned from a profession, trade, or salaried employment. It was urged that the Tribunal failed to appreciate that the Petitioner was primarily a student undergoing training, and that the duties discharged by him were intrinsically linked to his educational



curriculum.

15.4. Placing reliance upon Section 10(16) of the Income Tax Act, 1961 [hereinafter referred to as Tax Act], learned counsel argued that scholarships granted to meet the cost of education are expressly excluded from the computation of total income and are exempt from income tax. It was submitted that the stipend paid to the Petitioner squarely fell within the scope of the said provision and, therefore, could not have been taken into account for determining the family income ceiling prescribed for eligibility under the EWS category.

15.5. It was further submitted that the Tribunal committed a manifest error in placing undue reliance on the deduction of tax at source and the issuance of Form-16 by Respondent No.1 as determinative of the character of the payment. Learned counsel argued that the tax treatment accorded by the employer, whether correct or otherwise, cannot override the substantive and intrinsic nature of the payment, and that procedural compliance under the Tax Act could not be treated as conclusive proof of salaried employment.

15.6. It was contended that the Tribunal failed to draw a clear distinction between the concepts of “taxability” and “income” for the purposes of reservation under the EWS policy. It was submitted that even assuming that tax was deducted at source, the same would not automatically render the stipend as income for the purposes of computing the annual family income under the Office Memorandum dated 31.01.2019 issued by the DoPT.

15.7. On the issue of the EWS certificate, it was submitted that the



2026:DHC:997-DB



Petitioner had obtained the certificate from the competent authority after due verification of his family income and assets, and that the said certificate was under interim protection in view of the stay granted by the District Magistrate, Belagavi, on the order cancelling the same. It was further submitted that the learned Tribunal failed to appreciate that the issuing authority of the EWS certificate was neither impleaded nor heard in the proceedings, and that the validity of the certificate could not have been indirectly nullified without affording an opportunity of hearing to the competent authority.

15.8. On the aspect of merit, it was submitted that the Petitioner had been selected strictly in accordance with the prospectus dated 05.06.2024 and the applicable reservation policy, and that Respondent No.2, having been placed at Rank No.7 in the Unreserved category but failing to secure a seat therein, could not claim a vested or enforceable right to appointment merely on the ground that she had secured a higher rank than the Petitioner in the overall merit list.

15.9. Reliance was placed on the decision of Madras High Court in *Commissioner of Income Tax, Tamil Nadu-IV v. V.K. Balachandran*, MANU/TN/0089/1982 and *Junior Doctors Association and Another v. The Chief Commissioner of Income Tax and Others* (2008) SCC OnLine MP 867, to contend that payments received by a person during the course of academic study or professional training may, notwithstanding their income character, qualify as “scholarship” within the meaning of Section 10(16) of the Income-tax Act, 1961, where the dominant purpose of such payment is to meet the cost of education and where no employer-employee



relationship exists between the payer and the recipient. It was submitted that the performance of academic, research, or clinical activities as an integral part of the educational programme does not, by itself, convert such payments into salary.

16. Contentions of the Respondents

16.1. *Per contra*, learned counsel appearing on behalf of Respondent No.1/AIIMS supported the Impugned Order and submitted that the Tribunal had correctly appreciated the material placed on record while concluding that the remuneration received by the Petitioner during the relevant financial year was liable to be treated as salary/income for the purposes of determining eligibility under the EWS category. It was contended that the present Writ Petition is essentially an attempt to re-agitate factual issues which stood conclusively determined by the Tribunal and does not warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

16.2. It was submitted that during the relevant financial year, the Petitioner received a fixed monthly remuneration from Respondent No.1 while working as a Junior Resident, which was credited to his account on a regular monthly basis, subjected to deduction of tax at source, and reflected in the pay slips as well as Form-16 issued by AIIMS. Learned counsel pointed out that the Petitioner received a monthly amount of Rs. 1,17,900/- during the financial year 2023-24, which aggregated to Rs. 13,59,032/- annually. It was contended that the Petitioner never objected to deduction of income tax at source, thereby permitting deduction of income tax at source without demur,



2026:DHC:997-DB



and the said payments were treated as taxable income by Respondent No.1.

16.3. Learned counsel submitted that once the income received by the Petitioner stood declared and treated as taxable income for the relevant financial year, the same could not be excluded while computing the gross annual family income for the purposes of determining eligibility under the EWS category. It was argued that the Tribunal was justified in holding that the income earned by the Petitioner squarely exceeded the prescribed income ceiling under the EWS policy.

16.4. It was further submitted that the Office Memorandum dated 31.01.2019 issued by the DoPT prescribes a clear income ceiling of Rs. 8,00,000/- per annum for identification of candidates under the EWS category and mandates consideration of “gross annual income from all sources”. Reliance was placed upon the clarification issued by the DoPT *vide* circular dated 19.09.2022, which clarifies that the gross income for this purpose is aligned with the income taken into account under the Tax Act. It was contended that the Tribunal rightly applied the said policy framework while assessing the Petitioner’s eligibility.

16.5. It was urged that the controversy did not turn upon the academic status of the Petitioner as a post-graduate student, but upon the actual income received by him during the relevant financial year, which admittedly exceeded the threshold prescribed under the EWS policy. Learned counsel submitted that the distinction sought to be



2026:DHC:997-DB



drawn by the Petitioner between “stipend” and “salary” was artificial and unsustainable in the facts of the present case.

16.6. Learned counsel submitted that the Tribunal was justified in holding that the nature of payment must be determined on the basis of substance rather than nomenclature. It was contended that the remuneration paid to Junior Resident Doctors was accompanied by a clear quid pro quo, namely the discharge of regular clinical duties, patient care, night duties and hospital responsibilities. Such remuneration, it was argued, could not be equated with a scholarship or educational grant contemplated under Section 10(16) of the Tax Act.

16.7. In this regard, reliance was placed upon an additional affidavit filed before the learned Tribunal on behalf of Respondent No.1 by the Registrar, AIIMS, pursuant to the Tribunal’s order dated 27.05.2025. It was clarified therein that Junior Residents (MD/MS) at AIIMS are appointed through an entrance examination for a three-year course on a contractual basis with a monthly *salary* under the applicable Pay Commission, along with Non-Practicing Allowance and other admissible allowances. The affidavit further recorded that such appointment carried a penalty clause in the event of mid-course resignation and that the salary for the month in which resignation occurs stands forfeited. Learned counsel submitted that the use of the expression “salary” and the attendant service conditions clearly established the true nature of the remuneration.

16.8. It was further contended that the reliance placed by the



Petitioner on judgments dealing with tax exemption of stipends was misplaced, as the issue before the Tribunal was not the taxability of income, but its inclusion for the purposes of determining eligibility under the EWS reservation policy. Learned counsel submitted that the scope and object of Section 10(16) of the Tax Act, which operates in a distinct statutory field, could not be imported into the EWS framework governed by the DoPT Office Memorandum.

16.9. On the issue of validity of the EWS certificate, learned counsel submitted that the Tribunal was examining the eligibility of the Petitioner under the EWS category in the context of recruitment, which squarely fell within its jurisdiction. It was contended that the Petitioner had failed to disclose receipt of income exceeding Rs. 8,00,000/- per annum to the issuing authority while seeking the EWS certificate, thereby vitiating the certificate itself. Learned counsel further submitted that the absence of the issuing authority as a party did not cause any prejudice to the Petitioner, particularly when the dispute pertained to eligibility for appointment.

16.10. Learned counsel appearing for Respondent No.2 adopted the submissions advanced on behalf of Respondent No.1 and submitted that Respondent No.2 was a more meritorious candidate, having secured a higher rank in the overall merit list. It was contended that the erroneous grant of EWS benefit to the Petitioner had deprived Respondent No.2 of her legitimate claim to appointment in accordance with merit and the applicable prospectus.



ANALYSIS & FINDINGS

17. This Court has considered the rival submissions advanced on behalf of the parties and perused the material on record. The controversy in the present Petition lies within a narrow compass and turns upon the interpretation and application of the eligibility criteria governing reservation under the EWS category, particularly with reference to the expression “gross annual income” occurring in the Office Memorandum dated 31.01.2019 issued by the DoPT.

Nature of the Eligibility Requirement under the EWS Policy

18. The reservation in favour of candidates belonging to the EWS category is governed by the Office Memorandum dated 31.01.2019 issued by the DoPT, which has been adopted by Respondent No.1/AIIMS and incorporated into the prospectus dated 05.06.2024. The said Office Memorandum prescribes an income ceiling of Rs. 8,00,000/- per annum and mandates consideration of the “gross annual income from all sources” of the family of the candidate for determining eligibility.

19. The DoPT, by way of a subsequent clarification dated 19.09.2022, has further explained that the expression “gross annual income” for the purposes of EWS reservation refers to the income taken into account under the Tax Act. The policy framework, therefore, leaves little scope for exclusion of any component of income which is otherwise reflected as income for the relevant financial year.



20. In the present case, it is not in dispute that the Petitioner received a total amount of Rs. 13,59,032/- during the financial year 2023-24 from Respondent No.1 while working as a Junior Resident. This figure emerges from the Form-16 and pay slips placed on record pursuant to the RTI application and was also noticed by the Tribunal in the Impugned Order. The said amount, on the face of the record, exceeds the income ceiling prescribed under the EWS policy.

Stipend versus Salary: Substance over Nomenclature

21. The principal plank of the Petitioner's challenge rests on the assertion that the amount received by him was in the nature of a stipend or scholarship paid during the course of post-graduate medical training and could not be treated as income for the purposes of EWS eligibility. According to the Petitioner, Junior Residency is an integral academic component of post-graduate education and does not give rise to a conventional employer-employee relationship.

22. The Tribunal has examined this contention and has rejected it by applying the well-established principle that the true nature of a payment must be determined on the basis of its substance and not merely on the nomenclature employed. This Court finds no infirmity in the said approach.

23. The material on record demonstrates that the Petitioner received a fixed monthly remuneration on a regular basis; the payments were subjected to deduction of tax at source; pay slips were generated; and Form-16 was issued by Respondent No.1 reflecting the amount as "gross salary" for the relevant assessment year. These are not isolated



or incidental features, but objective indicators of the manner in which the payment was structured, administered and contemporaneously treated by Respondent No.1 itself.

24. A stipend or scholarship is ordinarily intended to defray the cost of education and is not founded upon a reciprocal obligation to render services. Salary, on the other hand, is intrinsically premised upon a quid pro quo, namely, the discharge of defined duties and responsibilities in return for remuneration.

25. In the present case, the record unequivocally reflects that Junior Resident Doctors were required to discharge regular clinical duties, patient-care responsibilities and night duties in the hospital, alongside their academic training. The fact that the remuneration was reflected in the pay slips as “gross salary”, subjected to statutory tax deductions and reported through Form-16, fortifies the conclusion that the payment was compensatory in nature and not a scholarship granted solely to defray educational expenses. The Tribunal, therefore, rightly held that the remuneration received by the Petitioner bore the essential attributes of income arising from engagement and could not be equated with a scholarship granted solely to meet the cost of education.

26. This conclusion is further reinforced by the additional affidavit filed on behalf of Respondent No.1 by the Registrar, AIIMS, pursuant to the Tribunal’s order dated 27.05.2025. In the said affidavit, it was categorically stated that Junior Residents (MD/MS) at AIIMS are selected through an entrance examination for a three-year tenure on a



contractual basis with a monthly salary under the applicable Pay Commission, along with Non-Practicing Allowance and other admissible allowances. The affidavit also records the existence of a penalty clause in the event of premature resignation and forfeiture of salary for the month in which resignation occurs.

27. The use of the expression “salary” in the said affidavit, coupled with the attendant service conditions and the obligation to discharge regular hospital duties, leaves little manner of doubt as to the character of the payment. It is clarified that the issue before the Tribunal, and before this Court, is not whether a Junior Resident Doctor is a government servant in the strict sense, but whether the amount received by such a candidate constitutes “gross annual income” for the purposes of determining eligibility under the EWS reservation policy.

Applicability of Section 10(16) of the Income Tax Act

28. The reliance placed by the Petitioner on Section 10(16) of the Tax Act, and on judicial precedents dealing with exemption of stipends from tax, was also considered by the Tribunal. The Tribunal has correctly observed that the issue before it was not the taxability of the amount under the Tax Act, but its inclusion for the purposes of determining eligibility under the EWS reservation policy, which operates in a distinct statutory field.

29. The EWS policy is concerned with assessing the economic capacity of a candidate on the basis of gross annual income, and the exemption or otherwise of a particular receipt under the Tax Act does not, by itself, govern its treatment under the reservation framework.



The Tribunal's refusal to import the scope and object of Section 10(16) wholesale into the EWS regime does not suffer from any legal infirmity.

29A. The decisions relied upon by the Petitioner in *V.K. Balachandran* (supra) and *Junior Doctors Association* (supra) were rendered in the context of determining tax liability and the availability of exemption under Section 10(16) of the Tax Act. The said decisions neither consider nor were concerned with the interpretation of eligibility conditions under a reservation policy framed to assess economic disadvantage on the basis of gross annual income. Accordingly, the said decisions do not advance the Petitioner's claim in the context of eligibility determination under the EWS reservation policy.

Validity of the EWS Certificate and Jurisdiction of the Tribunal

30. The Petitioner has also contended that the Tribunal could not have examined the validity of the EWS certificate, particularly when the order cancelling the certificate passed by the Tehsildar, Belagavi, was under interim stay granted by the District Magistrate. This contention does not merit acceptance.

31. The Tribunal was not adjudicating upon the administrative propriety of the order passed by the issuing authority, but was examining the eligibility of the Petitioner for appointment under the EWS category in the context of a service dispute. The Tribunal was, therefore, well within its jurisdiction to assess whether the Petitioner satisfied the prescribed eligibility criteria on the basis of the material



2026:DHC:997-DB



placed before it.

32. The mere existence of an interim stay on the cancellation of the EWS certificate did not preclude the Tribunal from independently examining the correctness of the claim to EWS status for the purposes of recruitment. The Tribunal's finding that the certificate was vitiated on account of non-disclosure of income exceeding the prescribed threshold is based on the material on record and cannot be characterised as perverse or without jurisdiction.

Comparative Merit and Consequential Directions

33. On the aspect of comparative merit, it is undisputed that Respondent No.2 secured a higher rank in the overall merit list but could not secure a seat in the Unreserved category owing to the applicable cut-off. The appointment of the Petitioner under the EWS category was, therefore, determinative of Respondent No.2's non-selection.

34. Once the Tribunal arrived at the conclusion that the Petitioner was not eligible to be considered under the EWS category, the consequential directions issued for restoration of the selection process in accordance with the applicable prospectus and merit list cannot be said to be arbitrary or disproportionate.

CONCLUSION & OPERATIVE DIRECTIONS

35. In view of the foregoing analysis, this Court is of the considered opinion that the Tribunal has neither exceeded its jurisdiction nor committed any patent illegality or perversity in holding that the



remuneration received by the Petitioner during the relevant financial year constituted income for the purposes of determining eligibility under the EWS category.

36. The findings recorded by the Tribunal are founded upon a correct appreciation of the applicable policy framework governing EWS reservation, the material placed on record, and the settled principle that the substance of a transaction, rather than its nomenclature, must guide the determination of its true nature. The conclusion that the Petitioner's gross annual income exceeded the prescribed ceiling under the Office Memorandum dated 31.01.2019 issued by the DoPT cannot be faulted.

37. This Court is also satisfied that the Tribunal acted within the bounds of its jurisdiction in examining the validity of the Petitioner's claim to EWS status in the context of a service dispute and in issuing consequential directions upon finding that the Petitioner was ineligible to be considered under the EWS category. The existence of an interim stay granted by the appellate authority on the cancellation of the EWS certificate did not denude the Tribunal of its authority to assess eligibility for recruitment purposes.

38. The directions issued by the Tribunal for termination of the Petitioner's appointment as Senior Resident (Ophthalmology) and for offering the post to the next eligible candidate under the EWS category, and in the absence thereof, conversion of the post to the Unreserved category and offer to Respondent No.2 in accordance with the applicable prospectus and merit list, are consequential in nature



2026:DHC:997-DB



and flow logically from the findings recorded. No arbitrariness or disproportionality can be attributed to the said directions.

39. In the exercise of writ jurisdiction under Article 226 of the Constitution of India, this Court finds no ground to interfere with the Impugned Order passed by the Tribunal.

40. Accordingly, the present Writ Petition is dismissed. All pending applications are also disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 07, 2026/jai/pl