



2026:DHC:3718-DB



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**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Judgment reserved on: 30.04.2026*  
*Judgment pronounced on: 02.05.2026*

+ **W.P.(C) 17736/2025 & CM APPL. 73299/2025**  
DEEPAK KUMAR & ORS. ....Petitioners  
Through: Mr. Joby P Varghese, Ms.  
Rashi and Mr. Aby P Varghese,  
Advs.

versus

BORDER SECURITY FORCE & ANR. ....Respondents  
Through: Mr. Vikram Singh Dalal, Senior  
Panel Counsel alongwith Mr.  
Pankaj Kumar, and Mr. Satwik  
Mitra, Advs.

+ **W.P.(C) 3642/2026 & CM APPL. 17769/2026**  
DEEPAK KUMAR & ORS. ....Petitioners  
Through: Mr. Joby P Varghese, Ms.  
Rashi and Mr. Aby P Varghese,  
Advs.

versus

BORDER SECURITY FORCE & ANR. ....Respondents  
Through: Mr. Syed Abdul Haseeb, CGSC  
with Ms. Nasreen Khatoun, G.P  
for UOI with Mr. Muhammad  
Aamir Khan and Mr. Syed  
Abdur Rahman, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**  
**J U D G M E N T**

**AMIT MAHAJAN, J.**



1. By the present writ petitions, the Petitioners essentially seek issuance of a writ in the nature of certiorari thereby setting aside the decision of the Respondents - rejecting the application of the respective Petitioners for consideration to the post of Constable (GD) sports quota – 2025 in the BSF in terms of the advertisement dated 10.10.2025 (in W.P.(C) 17736/2025) and advertisement dated 19.12.2025 (in W.P.(C) 3642/2026).

2. Succinctly stated, the pertinent facts germane to the adjudication of the present petitions are as follows:

2.1. The Petitioners in the respective petitions are stated to be sportspersons who participated in various junior level National and State Championships organised by various sports federations in India.

2.2. By advertisement dated 10.10.2025, Respondent No. 1 invited online applications towards certain vacancies for the recruitment of meritorious sportspersons to the post of Constable (General Duty) under sports quota 2025 in the BSF. The Petitioners in W.P.(C) 17736/2025 also applied in the recruitment process against the vacancies under respective sporting activities, however, despite the commencement of physical and medical examination of the candidates, the Petitioners were not issued admit cards for participation in the selection process. Upon enquiry, the Petitioners learnt that their sports certificates were not acceptable and did not conform to the terms of the advertisement. It is the case of the Petitioners that they fulfilled the eligibility criteria as stipulated under the Advertisement dated 10.10.2025, and that certain similarly situated



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candidates with similar certificates were shortlisted, selected and even appointed as Constable (GD) sports quota by Respondent No. 1. Aggrieved by the same, the Petitioners filed W.P.(C) 17736/2025.

2.3. Similarly, another advertisement dated 19.12.2025 was issued by Respondent No.1 for selection to the post of Constable (GD) under the sports quota – 2025. Thereafter, the Petitioners in W.P.(C) 3642/2026 submitted their application forms along with supporting certificates in respect of different sporting activities. The Petitioners herein were also not issued admit cards by Respondent No. 1 to participate in the selection process. Akin to the grievance raised by the Petitioners in W.P.(C) 17736/2025, the Petitioners in W.P.(C) 3642/2026 also contend that they were rejected on the ground that their certificates did not conform with the conditions stipulated in the advertisement. They further contend that similarly situated candidates have been appointed as Constable (GD) under the previous advertisement. Consequently, the Petitioners filed W.P.(C) 3642/2026.

3. By order dated 24.11.2025, this Court permitted the Petitioners in W.P.(C) 17736/2025 to participate in the further selection process as sports quota candidates subject to the outcome of the Petition. *Vide* order dated 08.04.2026, this Court recorded the submission made on behalf of the Petitioners in W.P.(C) 17736/2025 that out of 05 Petitioners, 03 Petitioners have been qualified and with respect to the remaining 02 Petitioners, W.P.(C) 17736/2025 is rendered infructuous.

4. The learned counsel for the Petitioners submitted that the



rejection of the candidature of the Petitioners in the respective petitions is discriminatory and violative of Article 14 of the Constitution of India. He submitted that the Petitioners in the respective petitions meet the eligibility criteria stipulated under the respective advertisements.

5. He submitted that the selective acceptance of certificates from the same federation for other candidates while rejecting those of the Petitioners is manifestly arbitrary. He submitted that without any verification of the authenticity and recognition of the certificates submitted by the Petitioners, summary rejection of their candidature is wholly arbitrary. He submitted that once Respondent No. 1 previously accepted similar certificates from the same federation for other candidates who have not only been allowed to participate but have also been appointed, the sudden deviation and exclusion of the Petitioners herein is violative of Article 14 of the Constitution of India.

6. *Per contra*, the learned counsel on behalf of the Respondents submitted that the Petitioners were not issued admit cards on account of the non-fulfilment of the conditions stipulated in the advertisements. He submitted that the applications of the Petitioners in W.P.(C) 17736/2025 was rejected during the scrutiny stage in terms of Clause 4 and 4b(iii) of the Advertisement dated 10.10.2025. He submitted that the Sports federation of the respective petitioners in W.P.(C) 17736/2025 which organised the concerned Youth Games and issued the certificates is neither recognised by the Ministry of



Youth Affairs and Sports as National Sports Federation nor recognised by affiliated member of Indian Olympic Association.

7. He submitted that in the previous recruitment cycle, some candidates may have been inadvertently considered due to lack of robust verification mechanism, however, the said instances, if at all, were purely inadvertent and do not confer any enforceable right on the Petitioners. He further submitted that the Respondents are examining the veracity of such instances, if any, pertaining to previous recruitments as has been claimed by the Petitioners. He assured that that if any such case comes forth post the verification, appropriate action, wherever warranted, will be taken in accordance with law. He however submitted that the same does not create any right in favour of the present Petitioners whose candidature does not satisfy the stipulated eligibility criteria prescribed in the advertisements. He consequently submitted that the present petitions are liable to be dismissed.

8. Upon considering the rival submissions made by both the parties, in essence, the grievance of the Petitioners' pertains to a denial of opportunity to them to participate in the selection process to the post of Constable (GD) sports quota – 2025. The principal plank of the Petitioners case is one of parity. It has been asserted that the primary ground for the denial of opportunity to the Petitioners was that the certificates submitted by them did not conform to the criteria prescribed in the advertisement, however, several similarly situated candidates with similar certificates were shortlisted and even



appointed to the said post in the previous recruitment cycle. Consequently, it has been emphasised that the exclusion of the Petitioners is violative of Article 14 of the Constitution of India.

9. Before proceeding further, it will be appropriate to take note of the certificates adduced by the respective Petitioners, which came to be rejected by the BSF. A chart with the said particulars has been filed by the respective Petitioners in the respective petitions. The relevant details are as under:

<b>W.P.(C) 17736/2025</b>		
<b>Name</b>	<b>Sports</b>	<b>Sports Certificate</b>
Petitioner No. 2	Racewalk 20 Km (Individual Event)	17th Youth Games National Championship- 2025 held at Pedem Sports Complex, Mapusa, Goa in June 2025 organized by FIT INDIA 'Youth Games Development Federation' –Goa
Petitioner No. 4	Football (Team Event)	17th National Championship held at Delhi Public School, Uttar Pradesh organized by the 'National Sports Federation of India'
Petitioner No. 5	Football (Team Event)	17th National Championship held at Delhi Public School, Uttar Pradesh organized by the 'National Sports Federation of India'
<b>W.P.(C) 3642/2026</b>		
Petitioner No. 1	Shot Put (Individual Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'
Petitioner No. 2	Athletics 5km (Individual Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 3	Volleyball	19th National Championship- 2025 held at Prakash



	(Team Event)	Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 4	Handball (Team Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27 <sup>th</sup> -28 <sup>th</sup> December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 5	Athletics 1500m (Individual Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 6	Hurdle 400m (Individual Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 7	Volleyball (Team Event)	17th Youth Games National Championship - 2025 held at Pedem Sports Complex, Mapusa, Goa in June 2025 organized by FIT INDIA 'Youth Games Development Federation-Goa'.
Petitioner No. 8	Handball (Team Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.
Petitioner No. 9	MSC 3000m (Individual Event)	19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by 'National Sports Federation of India'.

10. The Petitioners are essentially aggrieved by non-issuance of admit cards to them on account of the sports certificates produced by them not meeting the eligibility criteria in terms of the respective advertisement.

11. Undisputedly, selection process is guided by the terms



encapsulated in the advertisement. Clause 7 of Advertisement dated 10.10.2025, which is also incorporated in Advertisement dated 19.12.2025, stipulated that candidates will be issued admit cards for recruitment process if their documents are found in order on scrutiny.

12. The order of preference as encapsulated in Clause 4(b)(iii) of the advertisement dated 10.10.2025 reads as under:

ORDER OF PREFERENCE-		
i)	First Preference	Candidate who have represented the country and won medal in order of their priority i.e. Gold/Silver/Bronze in an International competition in Senior, Junior or Youth categories with the clearance of department of Youth Affairs and Sports (Govt. of India).
ii)	Second Preference	Candidate who have represented and won medals(s) or position up to 3rd place in the National Games/ Championship/ National Open Championship, Youth/ Junior National Championship recognized by Indian Olympic Association, National Sports Federation or National Games organized by Indian Olympic Association

13. The order of preference as encapsulated in Clause 4(b)(iii) of the advertisement dated 19.12.2025 reads as under:

i)	First Preference	Candidate who have represented the country and won medal(s) in order of their priority i.e. Gold/Silver/Bronze/participation in Senior, Junior or Youth categories in the international tournament/ competition/ championship conducted/ recognized by International sports federation of concerned sports which are duly affiliated/ recognized by International Olympic Committee (IOC)/ Indian Olympic Association (IOA)/ Ministry of Youth Affairs & Sports (MoYAS), Govt. of India (GOI).
ii)	Second Preference	Candidate who have represented and won medals(s) or position up to 3rd place in National Games/ Senior National Championship/ National Open Championship or Youth/ Junior National Championship conducted/ recognized by the National Sports Federation of concerned sports which are duly affiliated/ recognized by Indian Olympic Association (IOA)/ Ministry of Youth Affairs & Sports (MoYAS), Govt. of India (GOI) while representing any State/ UT Sports Control Board/ Federation.



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14. The Respondents have relied on the aforesaid clauses to contest that for a candidate to be eligible for recruitment, the games ought to be conducted by a Sports Association/Federation which is duly affiliated/ recognised by Indian Olympic Association or by Ministry of Youth Affairs and Sports as National Sports Federation. As submitted by the learned counsel for the Respondents, the certificates submitted by the Petitioners failed to meet the prescribed criteria as their certificates have not been issued by Federations as the same are neither recognised by the Ministry of Youth Affairs and Sports as National Sports Federation nor recognised by/ affiliated member of Indian Olympic Association.

15. Pertinently, the record indicates that on 21.11.2025 in W.P.(C) 17736/2025, this Court had directed the Respondents to verify from the Organisers as to whether the certificates of the concerned Petitioners relate to championships which satisfy the advertised criteria. Pursuant to the same, letter dated 10.12.2025 was issued to Youth Games Development Federation (through its Founder and General Secretary namely Mr. Jeetendra Gurjar) in this respect. By way of reply dated 11.12.2025, Youth Games Development Federation clarified that the Sports Certificate issued under FIT India- Youth Games National Championship is not recognised by the aforesaid organisations.

16. A similar letter was addressed to National Sports Federation of India (through its President) on 10.12.2025. By reply dated 10.12.2025, it was clarified that the said organisation is not affiliated



with the Indian Olympic Association and also not recognised by the Ministry of Youth Affairs & Sports. It was further stated that National Sports Federation of India does not endorse use of the certificates for any selection criteria where Government recognised sports are mandatory.

17. It is however the case of the Petitioners that the stand of the Respondents is wholly arbitrary as the Respondents have selected several other candidates who possess similar certificates issued by the same sports organizations in previous recruitment cycles.

18. The controversy thus presented by the Petitioners before this Court is not whether the certificates *per se* conformed to the conditions stipulated in the criteria but that several similarly situated candidates with similar certificates were shortlisted and appointed in the previous recruitment cycle.

19. In that regard, it is apposite to mention that Article 14 of the Constitution of India cannot be invoked to perpetuate an irregularity. It has consistently been held that if a benefit has erroneously been conferred, others cannot claim the same benefit as a matter of right. The principle of equality as embodied under Article 14 of the Constitution of India does not provide for a multiplication of errors.

20. In the present case, as argued on behalf of the Respondents, the ineligibility of the Petitioners finds its genesis from the terms of the advertisement. The argument of parity thus though appears worthy in the first blush cannot stand closer scrutiny.



21. While this Court cannot ascertain at this stage if similarly situated candidates were granted appointments in the previous recruitment process, even if this Court were to take the argument of the Petitioners at face value and consider it at the highest that certain candidates with deficient applications were appointed, such appointments, if contrary to the terms of advertisement, would be improper.

22. In that regard, the learned CGSC has fairly stated that the Respondents are examining the veracity of such instances, if any, relating to previous recruitments as claimed by the Petitioners. It has also been assured that should any such inadvertent or erroneous appointment be found in the previous recruitment process, appropriate action, wherever warranted, would be strictly taken in accordance with law.

23. On such a conspectus of facts, if this Court were to accede to the prayer made by the Petitioners, it would be akin to countenancing a course of action that is at odds with Article 14 of the Constitution of India.

24. In such circumstances, the Petitioners, in the opinion of this Court, cannot successfully invoke Article 14 of the Constitution of India to seek extension of parity for an alleged irregular benefit.

25. For the reasons as stated above, the present writ petitions are devoid of merit and are accordingly dismissed.

26. Pending applications also stand disposed of.



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27. A photocopy of the Order passed today be kept in the connected matter.

**AMIT MAHAJAN, J**

**ANIL KSHETARPAL, J**

**MAY 02, 2026**

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