



2026:DHC:9214-DB



\$~

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

Reserved on: 8th September, 2026

Pronounced on: 15th October, 2026

CNR No. DLHC010885102025

+ **W.P.(C) 17103/2025**

1. SH. SANJEEV KUMAR, INSPECTOR, F. NO. 150420911,
(AGED ABOUT 34 YEARS YEARS),
S/O SH. HARDWARI LAL, R/O VILL & PO – DUBLANA,
DISTT – MAHENDERGARH (HARYANA) – 123001
PRESENTLY POSTED AT 8TH BN NDRF,
GHAZIABAD (U.P.)

...PETITIONER NO. 1

2. MS. RAGNI NEGI, INSPECTOR, F.NO. 190010034,
(AGED ABOUT 30 YEARS),
W/O SH. DISHANK PHARASI,
PRESENTLY SERVING AT 1ST BN ITBP, JOSHIMATH

...PETITIONER NO. 2

3. MS. SUMAN PANWAR, INSPECTOR, F. NO. 160030181
(AGED ABOUT 33 YEARS),
W/O SH. AMIT SINGH,
PRESENTLY SERVING AT 23rd BN, ITBP

...PETITIONER NO. 3

Through: Mr. M.D. Jangra and
Mr. Deepak Kumar,
Advocates.

Versus

1. UNION OF INDIA THROUGH ITS SECRETARY,
MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA, NORTH BLOCK,
NEW DELHI-110001

uoidhc@gmail.com

**...RESPONDENT NO. 1**

**2. UNION OF INDIA THORUGH ITS
THE DIRECTOR GENERAL,
CENTRAL RESERVE POLICE FORCE,
GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS,
EAST BLOCK-07, LEVEL-04, SECTOR-1,
R.K. PURAM, NEW DELHI- 110066**
uoidhc@gmail.com

...RESPONDENT NO. 2

**3. UNION OF INDIA THROUGH ITS
THE DY. INSPECTOR GENERAL (RECTT),
GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS,
RECRUITMENT DTE, CRPF, EAST BLOCK-VII, LEVEL-IV,
R.K. PURAM, SECTOR-1,
NEW DELHI-110066**
uoidhc@gmail.com

...RESPONDENT NO. 3

**4. UNION OF INDIA THROUGH ITS
THE DIRECTOR GENERAL,
INDO-TIBETAN BORDER POLICE,
GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS,
ITBP HEADQUARTERS, CGO COMPLEX,
LODHI ROAD, NEW DELHI- 110003**
uoidhc@gmail.com

...RESPONDENT NO. 4

Through: Mr. Jivesh Kumar
Tiwari, CGSC with Ms.
Nandini Aggarwal, Ms.
Samiksha, Advocate
with Deputy JAG Mr.
Devender Singh, ITBP,
Mr. Vinod Sawant, Mr.
Ajay Pal, CRPF Law
Officers and Ins.
Athurv, CRPF.



CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT

AMIT SHARMA, J.

1. The present petition under Articles 226/227 of the Constitution of India, 1950, seeks the following prayers: -

“(a) to quash and set aside impugned order No. 1-14013/01/2025/Per-40829-30 dated 06.10.2025 (**Annexure P-1**) violative of Administrative Manual Chapter VIII (Recruitment & Appointments) regarding Forecast of Number of Vacancies (Section 180) with respect to enhancement of 25 number of vacancies for Asst. Comdt.(GD) LDCE for the year 2025 with all consequential benefits.

(b) to declare the impugned action of the respondents in rejecting the claim of the petitioners regarding enhancement of number of vacancies for the post of Asst. Comdt. (GD) LDCE for the year 2025 as illegal, arbitrary, mechanical and unjustified and further issue appropriate writ / orders / directions to the respondents to enhance 25 posts of Asst. Comdt. (GD) LDCE for the year 2025 as per Section 180 of Adm Manual, Chapter III (Recruitment & Appointment).”

2. Relevant facts necessary for the adjudication of the present petition, as stated by the petitioners, are as under: -

a) On 13.02.2025, the respondents issued an even dated advertisement No. A.VI- 1/2025-Rectt-AC/GD (LDCE) for selection to the post of Assistant Commandant (for short, ‘Asst.



Comdt. Asst. Comdt. (GD) in CAPFs through Limited Departmental Competitive Examination (LDCE) for the vacancy years – 2024 & 2025 combined. The petitioners, who were meeting the eligibility criteria as prescribed therein filled up their proforma/application, which were recommended and forwarded for further participation. It is pertinent to note here that *vide* this advertisement applications were invited from serving Sub-Inspectors and Inspectors for the post of Asst. Comdt. (GD) in the Border Security Force, Central Reserved Police Force, Indo-Tibetan Border Police Force, and Sashastra Seema Bal, and the petitioners in the present petition before this Court are employed with Indo-Tibetan Border Police Force represented through Respondent No.4-DG, ITBP.

- b) Since the petitioners were meeting the eligibility criteria as prescribed in the aforesaid advertisement for the post of Asst. Comdt. (GD), they were permitted to participate in the selection process in their respective category, and they appeared in written examination held on 08.06.2025.
- c) The respondent no. 3 issued corrigendum to the aforesaid advertisement dated 13.02.2025 *vide* No. A.VII/ 2025-Rectt (AC/GD-LDCE) dated 11.06.2025 circulated *vide* No. 2364 dated 11.06.2025 wherein, it was stated that, as per approval of Ministry of Home Affairs (MHA) the number of vacancies of AC(GD) LDCE of ITBPF for the year 2024 was increased from 04 to 16, meaning thereby, that the respondents increased the



number of vacancies mid-way of the selection process, *i.e.*, the selection process was going on while this corrigendum was issued.

- d) On 05.03.2025, Union Public Service Commission (UPSC) issued examination notice No. 09/2025-CAPF of the even date for inviting application for Central Armed Police Forces (Assistant Commandants) Examination, 2025, for direct recruitment by declaring the tentative examination number of vacancies to be filled on the result of the examination as follows: -

(i)	BSF	24
(ii)	CRPF	204
(iii)	CISF	92
(iv)	ITBP	04
(v)	SSB	33
	TOTAL	357

It is clear from the aforesaid UPSC advertisement dated 05.03.2025 that the total number of vacancies for direct recruitment for the post of Asst. Comdt. (GD) in ITBPF were four (04) in number.

- e) While the aforesaid process of selection process for direct recruitment of the Asst. Comdt. (GD) for CAPFs initiated by



2026:DHC:9214-DB



the UPSC was continuing, and in process, the UPSC issued another notice No.11/01/2025-E. I (B) dated 07.08.2025 stating that Ministry of Home Affairs (MHA) *vide* its letter dated 23.07.2025 has conveyed the revised firm vacancies (432) to be filled through CAPF (ACs) Examination, 2025.

- f) It is further pleaded that the respondents issued office order No. 1-47011/5/2025/ Personnel/38383-482 dated 10.09.2025, which stipulates about filling up the posts of Gazetted Officers in the respondent No.4/department, *i.e.*, ITBPF, which clearly provide that total number of sanctioned posts of Asst. Comdt. (GD) are 715, and out of said sanctioned posts- $128 + 83 = 211$, total percentage 29.5%, are earmarked with remarks as, “On promotion of 83 AC (GD) to the rank of DC (GD), there will be total 211 vacancies (128+83) in the rank of AC(GD), and these vacancies are meant for Direct recruitment/LDCE quota and will take considerable time (at least 02 years) for filling up the vacancies through Direct recruitment/LDCE”.
- g) While the aforesaid selection processes were going on, and there were vacancies, the petitioners made a representation dated 17.09.2025 to the respondents, with respect to the aforesaid fact and also increase in number of vacancies in the direct recruitment, thereby requesting increase of the number of vacancies in the LDCE examination for the year 2025. It was further stated that, as per ‘Administrative Manual’ Chapter VIII (Recruitment & Appointment) Section 172, out of the total



number of vacancies for the post of Asst. Comdt./GD 50% will be filled by direct recruitment, 33% by promotion and 17% by LDCE. It was the case of the petitioners that respondents themselves increased the number of vacancies from 04 to 16 for the year 2024 for the LDCE quota; however, they did not increase number of vacancies, when there was a corresponding increase in the number of vacancies to be filled through CAPF (ACs) Examination-2025, conducted by UPSC by way of direct recruitment for the post of Asst. Comdt. (GD). In such eventuality, the petitioners requested, *vide* the said representation dated 17.09.2025 through proper channel, respondents to increase the vacancies for the year 2025 for the LDCE quota in the same proportion as envisaged in the 'Administration Manual' which was under process from 02 to 26.86 for the year 2025 as well as correctly calculating for the year 2024 from 16 to 22.78 thereby, making the total number of vacancies for the year 2024 and 2025 as $22.78 + 26.86 = 49.64$ rounded off to 50 total.

- h)** In the meantime, the respondents (ITBPF) issued its promotion order No. I-19013/09/2024/Per-40552-651 dated 30.09.2025 for the post of Dy. Comdt. (GD) from Asst. Comdt. (GD), which included direct recruits as well as LDCE candidates. In the aforesaid promotion list, the petitioners have sought to demonstrate that there were total 21 Asst. Comdt. (GD) LDCE officers promoted to the post of Deputy Comdt. (GD) apart



from direct recruits, and the same could also be seen from the seniority list of the respondents issued as on 01.01.2025.

- i) The respondents *vide* impugned order No. 1-14013/01/2025/Per-40829-30 dated 06.10.2025 rejected the claim of the petitioners in arbitrary and mechanical manner without considering the contentions raised by the petitioners in their representations by stating therein that, as per rules of Asst. Comdt. (GD), the total number of posts in the selection process are based on different post based roster, which was not the basis of their representation rather the petitioners raised the contentions regarding the total number of vacancies in respondents department (ITBPF) for the post of Asst. Comdt. (GD), which are going to have effect on this selection process, and in the impugned order dated 06.10.2025, it was further stated that no difference has been recorded in the vacancies for the year 2024 and 2025. It is, however, the case of the petitioners that, as per factual calculation, 25 additional vacancies have arisen in the year 2025.

SUBMISSIONS ON BEHALF OF THE PETITIONERS

3. It was the case of the petitioners, initially, that since the direct recruitment vacancies for the post of Assistant Commandant (GD) in the ITBP were increased from 4 to 79, the number of vacancies for LDCE were also liable to be proportionally increased. It was pointed out that, as per Chapter VIII-Recruitments & Appointments of manual



of UPSC, out of the total vacancies, 50% were to be filled by direct recruitment, 33% by promotion and 17% by LDCE. Therefore, it was argued that, the vacancies of Assistant Commandant (GD) of LDCE quota were added to the direct recruitment quota.

4. Subsequently, during the course of hearing, learned counsel for the petitioners had submitted that, during the ongoing process of recruitment for the years 2024 & 2025, 21 posts of the LDCE category became vacant, and the same ought to have been offered to the candidates appearing for the aforesaid examination for the recruitment years 2024 & 2025. It is the submission of learned counsel for the petitioners that respondents had increased vacancy from 4 to 79 posts during ongoing process of recruitment in the direct recruitment category for the examination for the year 2025 conducted by UPSC.

5. Learned counsel for the petitioners pointed out that initially the advertisement by the UPSC for direct recruitment, published on 05.03.2025, was with respect to 4 vacancies only. Thereafter, *vide* communication dated 13.05.2025 the vacancies for the direct recruitment were increased from 4 to 7, and finally, *vide* communication dated 11.07.2025, the vacancies were increased to 79. This was on account of posts getting vacant on account of promotions and other reasons with the ITBP, and therefore, the same was communicated to UPSC for increasing the vacancies for the recruitment year 2025 in the category of direct recruitment for which process was still ongoing. Correspondingly, it is submitted that the



posts which got vacant in the category of LDCE should also have been added to the vacancies for the recruitment in LDCE category for the year 2025 which was conducted by CRPF/Respondent No.2 as a Nodal Agency. It was submitted that total 21 posts (in proportion to the share of LDCE out of total increase of vacancies to 79) became vacant during the selection process in the LDCE category which ought to have been offered to the candidates appearing for the recruitment year 2025 in the said category. It was, thus, argued that by not offering such posts which fell vacant during the selection process, the respondents have discriminated, and arbitrarily not offered the said vacancies to the candidates appearing for the years 2024 & 2025 recruitment examination in the category of LDCE.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

6. *Per contra*, learned Central Government Standing Counsel (CGSC) appearing on behalf of the respondents had submitted that the present petition was filed claiming addition of the vacancies of Assistant Commandant (GD) in LDCE quota to direct recruitment quota, and same is factually incorrect. Insofar as the vacancies arising during the selection process for the LDCE category is concerned, it was submitted that since the process for Assistant Commandant (GD) examination for the said category for the years 2024 and 2025 had already completed in the midst of the year 2025, the vacancies arising after the promotion orders issued on 30.09.2025 could not be included in the said recruitment process. In the short affidavit filed on behalf of



the respondents dated 08.08.2026 with respect to the aforesaid issue, it is stated as under: -

“VI. That it is submitted that the factual position is as under:-

1. MHA vide ID dated 08.01.2025 enquired vacancies for AC (GD) LDCE-2024 and 2025.

2. Accordingly, ITBP vide ID No. 15 dated 22.01.2025 intimated MHA that 04 vacancies are already available for 2024 and 12 vacancies caused due to creation of deputation reserve will also be available for the year 2024 subject to approval of MHA for filling up the vacancies of deputation reserve. Copy of ID Note dated 22.01.2025 was also endorsed to Nodal Agency CRPF and Rectt. Cell ITBP.

3. Subsequently, MHA vide ID dated 28.05.2025 conveyed approval in reference to ITBP ID No. 15 dated 22.01.2025. Accordingly, vide Personnel branch dte ITBP ION NO. 24524 dated 30.05.2025 total 16 vacancies (4 + 12) were communicated to Rectt. Cell ITBP. In turn Rectt. Cell ITBP vide letter No. 2178 dated 04.06.2025 conveyed these vacancies to CRPF.

4. Thus this is apparent that the initial vacancies for the year 2024 were 16 (4 +12) in which 12 vacancies were subject to approval of MHA and finally only 16 vacancies for 2024 were communicated. Thus, the question of adding vacancies does not arise.

VIII. That it is submitted that Paragraph 5(1) of the DoP&T Office Memorandum dated 03.11.2023 provides that Ministries/Departments may re-confirm the number of vacancies to the recruiting agencies well before finalisation/declaration of the result. After such re-confirmation of vacancies by the Ministries/Departments, it is their responsibility to accommodate the candidates selected against such vacant posts. The vacancies finally intimated by the User



Ministries/Departments cannot be changed or varied after the result of the examination has been declared.

IX. That it is respectfully submitted that since the process for the Assistant Commandant (GD) (LDCE) examination was already completed in 2025 and the matter is currently under consideration in MHA for approval, therefore, vacancies arising after the promotion order issued on 30.09.2025 cannot be included, nor were they included in Direct Entry or Promotion quota.

X. That it is further submitted that the final/firm vacancies of Assistant Commandant (GD) LDCE quota for the Assistant Commandant (GD) LDCE-2025 examination were intimated to the Nodal Agency, namely CRPF, vide ITBP U.O. No. 15 dated 22.01.2025.

XI. That the vacancies on account of promotion of Assistant Commandant (GD) of the LDCE quota to the post of Deputy Commandant (GD) only arose during September to October, 2025 after assumption of charge by the promoted officers, by that time, the written examination and interview for Assistant Commandant (GD) LDCE Examination, 2024 and 2025 had already been completed.

XII. That it is pertinent to mention that 21 vacancies for the post of Assistant Commandant (GD) (LDCE) become available only after September 2025 during the months of Sep/Oct 2025, when charge of promoted post was taken over by the AC (GD) who were promoted as DC (GD). However, till then the recruitment formalities, i.e., written test and interview were already completed. Further change in vacancy if any was not asked by the Nodal Agency conducting recruitment therefore, the vacancies arose after issuance of promotion order on 30.09.2025 (Annexure P-10) were not communicated.

XIII. That it is further submitted that since the process for the Assistant Commandant (GD) (LDCE) examination was already completed in 2025 and the matter is currently under consideration in MHA for approval, therefore, vacancies arising after the promotion order issued on 30.09.2025 cannot be included, nor were they included in Direct Entry or Promotion quota.”



7. The thrust of submission made on behalf of the respondents in not offering the increased, *i.e.*, 21 posts/vacancies, to the LDCE category for the examination for the recruitment years 2024 & 2025 is that, the examination to the said category had already taken place on 08.06.2025, and therefore, the posts which became vacant, thereafter, could not be offered to the candidates appearing in the said examination. Reliance has been placed on an Office Memorandum being OM No. 39020/07/2023-PP.(B) issued by DoPT dated 03.11.2023, in support of this contention, and in particular, on the following portion thereof: -

“5. In view of the above, all Ministries/Departments may take note of the following:

i. Ministries/Departments may re-confirm the number of vacancies to recruiting agencies well before finalization/declaration of result by them. After re-confirmation of vacancies by Ministries/Departments, it would be their responsibility to accommodate the candidates selected against such vacant posts. Vacancies finally intimated by the User Ministries/Department cannot be changed/varied after the result of the examination has been declared.

ii. Ministries/Departments are equally responsible for implementation of directions/Orders of Courts. As such, they may extend full cooperation to recruiting agencies while implementing court directions. Ministries/ Departments may accommodate the nominated candidates based on Court Orders against the available/future vacancies, as per their Roster, instead of returning the dossier to the Recruiting agency on the plea of non availability of vacancy, etc. to avoid any further litigation.

iii. In case a Ministry/Department/ Organization is wound up, reorganized, or transferred under the administrative control of



another Ministry/Department/Organization, its successor/administrative Ministry/ Department may accept the dossiers. In case, the entire hierarchy of organizations upto the Ministry level is wound up, the Ministry/Department to which its work has been transferred may accept the dossiers. Further, the Departments/ Organizations, which are proposed to be wound up in near future, should abstain from reporting vacancies for future examination(s).”

Analysis and Findings

8. It is pertinent to note here that, during the course of hearing, on 11.08.2026, this Court had passed the following order: -

“1. During the course of the hearing, a specific query was put to the learned counsel for the respondents as to the actual date of creation of vacancies for 79 posts, which had been subsequently notified by the UPSC vide communication dated 7th August, 2025 to be filled through Central Armed Police Forces (Assistant Commandants) Examination 2025, i.e., by way of direct recruitment. Learned counsel for the respondents seeks time to take appropriate instructions in this regard.

2. List on 14th August, 2026.

3. In the meantime, let written submissions be placed on record by both the parties before the next date of hearing.”

9. In pursuance of aforesaid, learned CGSC appearing on behalf of the respondents, on instructions, had stated that the increase to 79 vacancies for the services of ITBPF, which were added in the direct recruitment process for the year 2025, was in consonance and compliance with the directions contained in order dated 30.04.2025 passed by learned Coordinate Bench of this Court, whereby a direction was given for revision of seniority of Assistant Commandant



(GD). Subsequently, an affidavit was sought from respondents on this issue. An additional affidavit dated 31.08.2026 has been placed on record by the respondents in this regard. A perusal of the affidavit would reflect that the exact date of increase to 79 total number of vacancies in the direct recruitment process conducted by UPSC by way of CAPF (Asst. Comdt.) Examination, 2025, is demonstrated as 02.09.2025, when the DPC for the same was convened. The relevant portion of the said affidavit read as under: -

“7. At the outset, and in response to the specific queries raised by this Hon’ble Court, it is respectfully submitted that the vacancies vis-à-vis the revised/firm vacancy position are intimated to the concerned Nodal Agency as and when requisitioned.

8. In the case of AC (GD) Direct Entry conducted by UPSC, the revised vacancy position was communicated through ITBP ION No. 29391 dated 11.07.2025, in reference to the Nodal Agency’s ION No. 2380 dated 03.07.2025.

9. However, in the case of AC (GD) LDCE, the Nodal Agency is CRPF and, after the initial intimation of vacancies, no revised vacancy position arising out of proposed DPC was sought/ communicated by the Nodal Agency as the written examination of AC (GD) LDCE was already held on 08.06.2025 and recruitment process was already started. However, in the case of AC (GD) Direct Recruitment, UPS revised the vacancies prior to conducting their examination. Consequently, the revised vacancies for AC (GD) LDCE- 2025 were not intimated to CRPF.

It is submitted that by the time DPC was convened, the whole process of the AC (GD) LDCE was over including Written Examination and Interview.

10. In terms of Para 5 (1) of DoP&T OM dated 3.11.2023, "Ministries/ Departments may re-consider the number of vacancies to recruiting agencies well before finalisation/



declaration of result by them...". Therefore, ITBP cannot offer any comments with regard to inclusion of 20 vacancies. However, out of 21 AC (GD) (LDCE) approved for promotion, 01 has not assumed charge of DC (GD) due to low medical category, therefore, 20 vacancies are arising due to promotion during 2025.

11. The distinction is borne out from the record. In Direct Recruitment, the vacancy position was progressively revised pursuant to successive requisitions made by UPSC. Thus, 04 vacancies were initially conveyed to the Nodal Agency on 03.01.2025, an additional 03 vacancies were conveyed on 14.05.2025, and thereafter 72 vacancies were communicated on 11.07.2025 pursuant to UPS's requisition dated 03.07.2025, taking the total Direct Recruitment vacancies to 79. The said revision was therefore made in the course of the Direct Recruitment process pursuant to the requisitions received from UPS and cannot be treated as a revision of the separately communicated LDCE vacancies.

17. In answer to the specific query of this Hon'ble Court, that when did the 79 vacancies arose. It is submitted that the DPC for promotion of AC (GD) to DC (GD) was convened on 02.09.2025, and the process for this was started from 08.07.2025, after receipt approval of MHA for implementation of Hon'ble High Court's order dated 30.04.2025, for revision of seniority of AC (GD). On issuance of revised seniority list of AC (GD) and receipt of data, calculation of vacancies for Direct Entry quota for CAPF (AC) Exam-2025 was made and vacancies were intimated.

18. In substance, the distinction is simple:

(i) in LDCE-2024, the additional 12 vacancies had already been identified on 22.01.2025 and were awaiting MHA approval, which was granted before the examination, resulting in 16 vacancies being communicated to CRPF;

(ii) in Direct Recruitment-2025, the vacancy figure was progressively revised pursuant to UPSC requisitions, ultimately reaching 79, including anticipated promotional vacancies; and



(iii) the vacancies now relied upon by the Petitioners for LDCE-2025 arose only subsequently, after the relevant stages of the LDCE process, and therefore cannot be retrospectively added to the examination.”

10. During the course of hearing on a pointed query by this Court to learned CGSC appearing for the respondents as to whether there is any Office Memorandum (OM)/Statutory Rule which provides that the concerned department would apprise the recruiting agencies of the vacancies only on their requisition, it was submitted that there was none.

11. In fact, a perusal of the aforesaid OM dated 03.11.2023 would reflect that it is the duty of the concerned department to re-confirm the number of vacancies to the recruiting agencies before finalization/declaration of results by them. It is further noted that increase or decrease in number of vacancies during an ongoing selection process is an accepted norm, and in fact, the advertisement by the respondents for the present recruitment through LDCE category at ‘Note (i) to Clause 2-Vacancies’ stipulates that, “Vacancies mentioned above are subject to change (May increase or decrease at any stage)”.

12. Further, the selection process as prescribed in the said advertisement further reads as under: -

“6. **The selection process:** The selection process will be as under:



6.1 Written Examination: There will be three papers in written test, as per details given below:

i) **Paper-I** [Intelligence Test and General knowledge).
(Time 2 hours - 100 Marks & 100 Questions)

This will include General Awareness, General Intelligence, Reasoning, Numerical Ability, Current Events, Matters of every day observation and experience. This paper would be objective type (Multiple choice question & bilingual i.e. English and Hindi).

ii) **Paper-II** (Professional Skill)
(Time 2 hours- 100 Marks & 100 Questions)

This will be designed to test professional. skills of the candidate in relation' to operational and administrative requirement of the Force of which he/she is a member. This paper would be objective type (Multiple choice question & bilingual i.e. English and Hindi).

iii) **Paper-III** (Essay, Precis Writing and Comprehension)
(Time 2 hours - 100 Marks)

The medium of writing of essay shall be opted by the candidate as Hindi or English. However, medium of writing precis and comprehension will be English only.

Note : Qualifying marks will be 45% in each paper and 50% in aggregate. However, qualifying marks for SC/ST candidates will be 40% in each paper and 45% in aggregate.

iv) Admission for the written examination will be purely on production of call letter issued to the eligible candidates by the Nodal Force and Force identity Card of the candidates. Since, this examination is purely for CAPF personnel, all candidates shall be in proper uniform.

6.2 Physical Standard Test (PST) & Physical Efficiency Test (PET):



(I) The candidates who qualify in paper-I & II of written examination will only be called for Physical Standard Test & Physical Efficiency Test at place specified by the Nodal Force by constituting a Board of Officers. The Physical Standard Test (PST) will be conducted as per standards prescribed for direct recruitment of Assistant Commandant(GD) in CAPFs. Physical Efficiency Test shall comprise of the following components which will be qualifying in nature but failure even in one event will amount to disqualification:

a. **Male Candidate** : (i) 100 meters race to be completed in 16 seconds.

(ii) 800 meters race to be completed in 03-minutes 45 seconds. (iii) Long Jump 3.50 mtrs (Three chances will be given)

(iv) Shot Put (7.26 Kgs.) 4.50 mtrs. (Three chances will be given)

b. **Female Candidates** :

(i) 100 meters race to be completed in 18 seconds.

(ii) 800 meters race to be completed in 04 minutes 45 seconds. (iii) Long Jump 3.00 mtrs (Three chances will be given)

As per MHA ID No.45020/05/2021-PP/ 897 dated 31/08/2022, on reporting of female candidates for PST (Physical Standard Test)/PET [Physical Efficiency Test], a self declaration indicating about her pregnancy status shall be submitted. She may be allowed to participate in the PST/PET only if she declares that she is not pregnant. In case of false declaration, all the risk for undergoing PST /PET will be of her own. If the female candidate declares that "she is pregnant" before PST /PET, then a confirmatory pregnancy test will be done and in case she is found to be pregnant, irrespective of duration of pregnancy, she may be declared temporary unfit and her appointment shall be held in abeyance till the confinement is over. One vacancy should be kept reserved for her in case she makes in the final merit list . She should be reexamined for PST/PET six weeks after the date of confinement, subject to the production of the



medical certificate of fitness from a registered medical practitioner. If she is found fit and finds place in the merit list, she may be appointed to the post kept reserved for and allow the benefit of seniority in accordance with the instructions of the Government, as amended from time to time. In case female candidates is found negative for pregnancy, she may be allowed to participate in the PST /PET and other subsequent processes.

(II) One officer of the rank of DIG will be nominated as Appellate Authority at PST/PET venue to dispose off PST/PET appeals, if any, of candidates on the same day.

6.3 Interview and personality Test:

The Candidates who qualify written examination by securing required aggregate percentage of marks in Paper-I, II & III, as well as qualify Physical 'standard Test and Physical Efficiency Test would be called for interview by the Nodal Force. The Interview will carry 100 marks and the break- up of marks will be as under:-

Sl. No.	Tests/Items	Maximum Marks
01	Physical Make-up	10 Marks
02	General Intelligence aptitude, interest and professional skill	30 Marks
03	Behavioral and Psychological aspects	30 Marks
04	Any conspicuous achievements (Gallantry/ life saving medals/ DM & Fire medals) during service	05 Marks
05	International/ National Sports/ All India Police games (Achievements during service)	05 Marks
06	Overall assessment	20 Marks
	Total	100 Marks

Note: In the Interview, there are no minimum qualifying marks but attendance is mandatory. Marks obtained in Interview/personality test will be accounted for during drawal of final merit.

”

13. As noted hereinabove, the primary reason assigned by the respondents for not adding the vacancies which fell vacant during ongoing recruitment process in the LDCE category was that the written examination had already been conducted on 8th June, 2025, and the vacancies arose on 30th September, 2025. It is pertinent to



note that the posts which were crystalized by the promotions on 30th September, 2025 were, in fact, had been identified on 2nd September, 2025 when the DPC was convened. It is the admitted case of the respondents that said DPC which was convened on 2nd September, 2025, was for the vacancies in both the categories, *i.e.*, direct recruitment and LDCE. It is also admitted case of the respondents that 79 vacancies were intimated to the UPSC well before the DPC was convened, *i.e.*, on 11th July, 2025. This was for the reason that the DPC process had started with respect to all the vacancies/posts for direct recruitment/LDCE on 8th July, 2025.

14. As per the selection process noted hereinbefore, the written examination with regard to recruitment process in the LDCE category was conducted on 8th June, 2025, and results of qualified candidates in Paper-I and Paper II was declared on 23rd June, 2025. As per the procedure prescribed in the subject advertisement, the persons qualifying in Paper-I and Paper-II will be called for Physical Standard Test (PST), and Physical Efficiency Test (PET) and would have to undergo a physical test, and thereafter, the candidates who qualify written examination by securing required aggregate percentage of marks in Paper-I, II, III, as well as qualify PST and PET would be called for interview by the Nodal Force. The result of physical test for LDCE-2024 and 2025 was declared on 28th July, 2025, and the result of the Paper-III was declared on 7th August, 2025, and thereafter, the interviews were held from 25.08.2025 to 15.10.2025. The list of dates with respect to the AC (GD) LDCE for the years 2024 and 2025 as per the respondents' affidavit dated 07.09.2026 reads as under: -



2026:DHC:9214-DB



EVENT	DATE
CRPF (nodal agency) requested CAPF to intimate category wise vacancies	13.01.2025 (ANNEXURE R5 of the Counter Affidavit)
ITBP intimated CRPF about the actual vacancies (LDCE) 2024: 04 (UR- 02, SC-01, ST-01) (LDCE) 2025: 02 (UR-01, SC-01)	22.01.2025 (ANNEXURE R6 of the Counter Affidavit)
ITBP sent proposal to MHA for deputation reserve vacancies for vacancy year 2024	22.01.2025
Advertisement for AC (GD) LDCE 2024 & 2025 Last date to apply in physical form	February, 2025 25.03.2025
MHA approval on vacancies arising of deputation reserve (12 vacancies)	28.05.2025 (ANNEXURE R7 of the Counter Affidavit)
Revised vacancies communicated by ITBP to CRPF Total vacancies- 16 (UR- 12, SC-02, ST-02)	30.05.2025 (ANNEXURE R8 of the Counter Affidavit)
Written Examination (Paper I, II and III) conducted on	08.06.2025
Result of Paper 1 and II declared on	23.06.2025 (as per the Standard Operating Procedure (SOP) issued



2026:DHC:9214-DB



	vide MHA's ID No. 45013/01/2009-Pers-I dated 01.07.2014)
Physical Standard Test/Physical Efficiency Test (PST/PET) of the candidates who qualified in Paper I and II conducted w.e.f. Result of above declared on	07.07.2025 to 21.07.2025 28.07.2025
Result of Paper III declared on	07.08.2025
In compliance with the Hon'ble Court's Order dated 29.07.2025 in W.P.(C) 11024/2025, W.P.(C) No. 11042/2025, W.P.(C) No. 11045/2025 and W.P.(C) No. 11088/2025; and order dated 08.08.2025 in W.P.(C) No. 11982/2025, PST/PET of 06 ST category candidates who were declared UNFIT in PST due to less in height was held on Result of above was declared on	11.08.2025 12.08.2025
In compliance with the Hon'ble Court's Order 16.09.2025 in W.P. (C) No. 14293/2025, PST/ PET of 03 candidates who were declared UNFIT in PST due to less in height was held on Result of above was declared on	06.10.2025 09.10.2025
Interview & Personality test of candidates who qualified in PST/PET and those who qualified in Paper III	25.08.2025 to 08.09.2025, 15.09.2025 to 17.09.2025 and on 15.10.2025



was conducted w.e.f.	
Vacancies arose after Promotion (arising out of DPC conducted after Hon'ble High Court's order dated 30.04.2025)	30.09.2025
Detailed Medical Examination (DME)/ Review Medical Examination (RME) of successful candidates of Interview & Personality Test were conducted by the detailed DME Boards/ RME Boards w.e.f.	08.10.2025 to 21.10.2025
Details of procedure followed before declaration of Final Result	• After completion of DME/RME, Force Merit List of successful candidates was drawn by Nodal Force (CRPF). • Proposal was sent to MHA on 06.01.2026 for approval on declaration of result. • Proposal returned by MHA vide ID No. 3401 3/17/20241Pers-I (3727202) on 28.01.2026 with certain observations. • After obtaining necessary clarifications from BSF, SSB HQs and Pers. Dte. (CRPF), proposal was re-submitted to MHA on



	19.05.2026. • MHA vide ID No. 45013/17/2024-Pers-I dated 18.06.2026 conveyed approval for declaration of result.
Declaration of Result	• Result of LDCE 2024 was declared on 22.07.2026 • Result of LDCE 2025 was declared on 03.08.2026

(emphasis supplied)

15. Thus, the recruitment process with respect to the LDCE category was ongoing, when the DPC process was started on 8th July, 2025, for all the vacancies/posts with respect to LDCE category as well as direct recruitment. Admittedly, the respondent No.4-ITBP had communicated 79 vacancies arising out of promotion or otherwise to the UPSC on 11.07.2025 with respect to CAPF (AC) Exam, 2025; however, the same exercise was not carried out with respect to vacancies created in the LDCE category.

16. It is further noted that the final result to the selection process was not declared on account of the interim order dated 23.07.2026 passed by this Court.



17. Be that as it may, at the time when the increase in vacancies in respect of direct recruitment examination was provided to the UPSC, *i.e.*, 11th July, 2025, even the physical standard test or physical efficiency test were ongoing, and thus, apart from the written examination being conducted, the selection process for LDCE was still midway. It is pointed out that results published for Paper-I and Paper II on 23rd June, 2025, had listed 62 candidates as ‘qualified’. In the additional affidavit dated 31st August, 2026, filed on behalf of the respondents, the following distinction have been sought to be given: -

“18. In substance, the distinction is simple:

(i) in LDCE-2024, the additional 12 vacancies had already been identified on 22.01.2025 and were awaiting MHA approval, which was granted before the examination, resulting in 16 vacancies being communicated to CRPF;

(ii) in Direct Recruitment-2025, the vacancy figure was progressively revised pursuant to UPS requisitions, ultimately reaching 79, including anticipated promotional vacancies; and

(iii) the vacancies now relied upon by the Petitioners for LDCE-2025 arose only subsequently, after the relevant stages of the LDCE process, and therefore cannot be retrospectively added to the examination.”

18. It is further stated in the aforesaid affidavit that, by the time DPC was convened, the whole process of LDCE category was over including the examination and interview. As noted hereinabove, it is the case of the respondents themselves that the DPC for all category of posts was convened on 2nd September, 2025; however, increase in



number of vacancies with respect to direct recruitment was conveyed to UPSC on 11th July, 2025 itself. Therefore, the aforesaid stand is clearly discriminatory. The subject advertisement dated 13.02.2025 for LDCE for the years 2024 and 2025, and OM dated 3rd November, 2023, clearly contemplates that the vacancies can be increased or decreased during the selection process, and on 11th July, 2025, when the increase in number of vacancies/posts was informed to UPSC with respect to direct recruitment, the selection/recruitment process for the LDCE category was still ongoing. Once the vacancies were created on account of promotions as well as other factors, it was incumbent upon respondent No.4 to inform the recruiting agency-CRPF (Nodal Agency) of the same for the LDCE category. The reason for not doing so, as per the respondents, that the examination had already taken place, could not be justified by them by way of any OM/any statutory Rule. On the contrary OM dated 03.11.2023, and subject advertisement dated 13.02.2025 for LDCE for the years 2024 and 2025, clearly contemplates that the final number of vacancies had to be communicated by the department concerned before the results are declared.

19. Moreover, in the initial counter affidavit dated 11.02.2026, filed on behalf of the respondents, the stand taken was that, as per the recruitment rules, separate post based rosters are maintained for the total sanctioned post of Assistant Commandant (GD) and since the said post based rosters are operative with respect to the sanctioned strength and quota prescribed for each category, there is no difference in the vacancies created during the year 2025, and the advertisement



issued to fill the vacancies. It was further averred by the respondents that the vacancy year has been shifted from financial year to 'Calendar Year' from the year 2018 onwards, in terms of para 5(i) of DoPT Office Memorandum dated 08.05.2017, and the same is also mentioned in Recruitment Rules of Asst. Comdt., 2018. Thus, the case of the respondents, initially, was that the crucial date shall be 1st day of January of the year in which the Examination is conducted, and in such a situation, it would not be appropriate to say that the number of vacancies should be increased in the vacancy year 2025. The relevant averments made by the respondents in their initial counter affidavit filed read as under: -

"BRIEF HISTORY

II. That as per the recruitment rules, separate post-based rosters are maintained for the total sanctioned posts of Assistant Commandant (General Duty) according to the prescribed medium of recruitment [i.e. through direct recruitment and Limited Departmental Competitive Examination (LDCE)]. Accordingly, advertisements are issued to fill vacancies in the category of vacancy that is based on the roster point of the medium. For example, if 10 Assistant Commandant (General Duty) posts become vacant through direct recruitment, those posts will be filled by 10 Assistant Commandants from the direct recruitment quota. Similarly, if a post is vacated by an Assistant Commandant recruited through the Limited Departmental Competitive Examination (LDCE), the vacant posts will be filled from the LDCE quota.

PRELIMINARY OBJECTIONS



XXII. That the petitioners in the present Writ Petition are calculating vacancies on vacancy based roster. However, the vacancies are being calculated and advertised on the basis of post based roster. For example, in case of promotion of 10 directly recruited Assistant Commandant (General Duty) to the post of Deputy Commandant, the vacancies of 10 Assistant Commandants will be filled from the direct recruitment quota only. If the post has been vacated by the Assistant Commandant (General Duty) Limited Departmental Competitive Examination (LDCE) quota then the vacancies would be filled through LDCE quota and would not be filled up by dividing the above mentioned vacant posts into ratio of 50%, 33% and 17%. Since, post based reservation roster are operative with respect to the sanctioned strength and quota prescribed for each category, therefore, there is no difference in the vacancies created during the year 2025 and the advertisement issued to fill the vacancies.

XXIII. That in the present Writ Petition, the Petitioner's contention is to increase number of vacancies of Commandant (General Duty) Limited Assistant Departmental Competitive Examination (LDCE) for the year 2025 as per Administrative Manual Chapter III (Recruitment & Appointment). **In this regard it is intimated that the vacancy year has been shifted from financial year to Calendar Year from the year 2018 onwards, in terms of para 5(i) of DoP&T Office Memorandum dated 08.05.2017 and also mentioned in Recruitment Rules (RRs) of Assistant Commandant (General Duty) 2018. That it is specifically mentioned that the crucial date shall be the 1st day of January of the year in which the Examination is conducted. In such a situation, it is not appropriate to say that the number of vacancies should be increased in the vacancy year 2025.**

Copy of relevant portion of Administrative Manual Chapter III (Recruitment & Appointment) is herewith annexed as **Annexure R12**.



Copy of DoP&T Office Memorandum dated 08.05.2017 is herewith annexed as **Annexure R13**.

Copy of Recruitment Rules of Assistant Commandant (General Duty) 2018 is herewith annexed as **Annexure R14**.

XXIV. That as far as the matter is concerned to the vacancies of Assistant Commandant (General Duty) direct recruitment for the vacancy year, 2025. **In this context, it is intimated that 79 vacancies of Assistant Commandant (General Duty) (Direct Entry) have been arisen for the vacancy year 2025 due to promotion, deputation and termination from service. That as per the recruitment rules, separate post-based rosters are maintained for the total sanctioned posts of Assistant Commandant (General Duty) according to the prescribed medium of recruitment [i.e. through direct recruitment and Limited Departmental Competitive Examination (LDCE)]. Accordingly, advertisements are issued to fill vacancies in the category of vacancy that is based on the roster point of the medium. Hence, the Petitioners cannot use the revision of vacancies in direct recruitment as a ground for revision of vacancies in recruitment through Limited Departmental Competitive Examination (LDCE)."**

(emphasis supplied)

20. The aforesaid stand is, however, in contrast to the stand taken by the respondents and distinction sought to be drawn by them in additional affidavit dated 31.08.2026 filed in response to the Court's query posed during the course of hearing on 11.08.2026, as noted hereinbefore.

21. Admittedly, 79 vacancies/posts of Asst. Comdt. (GD) direct recruitment were created after 1st January of the Calendar Year of



2026:DHC:9214-DB



2025. In this regard, it is also noted that for the vacancy year 2024, the vacancies of AC (GD) LDCE of ITBP were increased *vide* corrigendum dated 11.06.2025 of advertisement dated 13.02.2025, which was after conducting of written examination on 8th June, 2025 for the said category.

22. In view of the aforesaid, the present petition is allowed.

23. The increased 21 vacancies/posts of Asst. Comdt. (GD) of ITBP, which had arisen in 2025 in pursuance of the DPC for promotion of AC (GD) to DC (GD) convened on 02.09.2025 for the vacancy year of 2025, shall be made available to the petitioners in LDCE category, if they qualify for the same.

24. The petition stand disposed of with the aforesaid directions.

25. Pending applications, if any, also stand disposed of accordingly.

26. Judgement be uploaded on the website of this Court, *forthwith*.

**NITIN WASUDEO SAMBRE
(ACTING CHIEF JUSTICE)**

**AMIT SHARMA
(JUDGE)**

OCTOBER 15, 2026/sn/ns/nk