



2024:DHC:9236-DB



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

Date of decision: 28.11.2024

+ W.P.(C) 10138/2024

SANDEEP

.....Petitioner

Through: Mr. Aditya Yadav, Adv.

versus

DIRECTORATE GENERAL BSF AND ORS.Respondents

Through: Mr. Vikrant N. Goyal and Mr.
Aditya Shukla, Advs. for UOI.
Mr. Varun Chugh, Ms. Shagun
Chugh and Mr. Utsav A.
Magotra, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. Pursuant to our Order dated 18.11.2024, the learned counsel for the respondent no. 3 confirms that the Course of “Kitchen Helper” completed by the petitioner with Grade A from Om Vijay Charitable Trust, that is, the respondent no. 4, is recognized as a National Skills Qualifications Framework [NSQF] Level II Certificate, which is a level higher than the required NSFQ Level I Certificate in terms of the recruitment notification.

2. In the present case, the respondent no. 1 rejected the candidature of the petitioner to the post of Constable (Cook) pursuant



to the advertisement dated 20.02.2023 on the ground that he had failed to submit the NSFQ Level I Certificate.

3. As noted hereinabove and in the Order dated 18.11.2024, the petitioner had uploaded his Certificate of completion of the “Kitchen Helper” Course with Grade A from the respondent no. 4, which, as has been informed by the learned counsel for the respondent no. 3 today, is a Course a level higher than the one required in terms of the advertisement. We, therefore, are of the opinion that the respondent no. 1 has erred in rejecting the candidature of the petitioner.

4. Accordingly, the present petition is disposed of by directing the respondent nos. 1 and 2 to consider the candidature of the petitioner for the post of Constable (Cook) in terms of the advertisement dated 20.02.2023, and to proceed further on merits. In case the petitioner is found fit for appointment on merits and on completion of other formalities, the petitioner shall be given such appointment with retrospective seniority from the date of his batchmates, along with other consequential benefits. However, he shall not be entitled to draw any salary for the intervening period. The decision of the respondents must be communicated to the petitioner within a period of six weeks from today.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 28, 2024
SU/SK/DG

Click here to check corrigendum, if any