



2025:DHC:3818-DB



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

Date of decision: 15.05.2025

+ W.P.(C) 6493/2025

PRAVEEN SAIN

.....Petitioner

Through: Mr. Samrat Nigam, Sr. Adv.
with Mr. Pradeep Kumar & Mr.
Surender Kumar, Advs.

versus

THE GOVT OF UNION OF INDIA AND ANR.....Respondents

Through: Mr. Piyush Gupta, CGSC with
Ms. Lata Gupta, Ms. Aneja,
Ms. Khayati & Mr. Akshay
Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 29649/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 6493/2025 & CM APPL. 29588/2025

2. This petition has been filed by the petitioner, challenging the Orders dated 18.08.2023 and 05.04.2025 passed by the learned Central Administration Tribunal (PB), New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 2147/2021(hereinafter referred to as 'Original Application') titled *Mr. Praveen Sain v. The Union of India & Anr.* and in R.A. No. 5/2024 (hereinafter referred to as



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‘Review Application’), filed by the petitioner in the above O.A., whereby both, the O.A. as well as the review application, were dismissed.

3. To put it briefly, the facts giving rise to the present petition are that, pursuant to an Advertisement issued by the respondents, the petitioner applied for the post of Firemen (1101). In his application form, he admits that he, what he claims was by mistake, applied for the said post under the OBC (Creamy Layer) category.

4. Subsequently, the result of the examination was declared on 14.01.2021, and in the same, he did not meet the cut-off marks.

5. Aggrieved by the said result, he approached the learned Tribunal by filing the above O.A., claiming that he, in fact, belongs to the OBC (Non-Creamy Layer) category and, having scored 137.5 marks, which was above the qualifying/short-listed marks for the candidate of the OBC (Non-Creamy Layer), that is, 131.8972 marks, should be granted appointment. He further stated that he, in fact, possessed an OBC certificate in the Non-Creamy Layer even prior to the cut-off date of the application.

6. The learned Tribunal, *vide* its Impugned Order dated 18.08.2023, however, rejected the O.A. filed by the petitioner, by observing as under:

“ 10. During the course of final arguments, an attempt has been made by learned counsel for applicant to produce earlier caste certification on strength of which he would further argue that he possessed the requisite caste certificate prior to the submission of the application form online. It is seen from the records that no such



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submission is made in the representation regarding producing of the same. Therefore, the said prayer is declined and cannot be warranted at this belated stage when it was never pleaded.

11. It is not in dispute that the closing date of submission of the application form was 15.10.2019. What has been placed on record is a caste certificate dated 09.12.2020 on the strength of which the applicant seeks reliefs as stated hereinabove. It is well settled law that the terms and conditions stipulated in the advertisement which were known not only at the time of submitting the application form but at the time of declaration of result. The applicant was well aware of the same. The applicant was well aware of the cut-off date and the elaborate criteria i.e. a crucial/closing date of filing application form i.e. 15.10.2019. Since the applicant's caste certificate was sought to be received on or before 09.12.2020. The applicant was not in possession of the same at the time of crucial/closing date of filing of the application form. No material has been placed on record that the applicant had already uploaded the caste certificate prior to date of closing of submission of such certificate(s). As settled by Hon'ble Apex Court and various decisions held by Hon'ble Apex Court, the terms and conditions of the advertisement and cut-off date is sacrosanct, the present OA lacks merit, and hence the same is dismissed."

7. Aggrieved of the abovementioned findings, the petitioner filed a Writ Petition before this Court, being W.P.(C). No. 15189/2023, titled ***Praveen Sain v. The Union of India & Anr.***, which, after some submissions, was withdrawn by the petitioner with leave to file a review petition before the learned Tribunal on the basis that he was in



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possession of a caste certificate as on the last date of submitting the application, which was on 15.10.2019.

8. Pursuant to the leave granted, the petitioner filed the review application, being R.A. No. 5/2024, which has been dismissed by the learned Tribunal by its Impugned Order dated 05.04.2025, stating that the new certificate, which the petitioner now relies upon, was never placed before the competent authority of the respondents and, in any case, the petitioner had not filled up his application form as an OBC (Non-Creamy Layer) candidate.

9. The learned counsel for the petitioner, while challenging the above orders, reiterates that there was an inadvertent mistake by the petitioner in filling up the application form as an OBC (Creamy Layer) candidate. He submits that the petitioner herein belongs to the OBC (Non-Creamy Layer) category and, in support of his plea, he has now produced a certificate issued dated 04.05.2017, which is much before the cut-off date of the application. He, therefore, submits that for an inadvertent mistake made in the application form, the petitioner should not be denied an opportunity of employment.

10. We have considered the submissions made by the learned counsel for the petitioner, however, we do not find any merit in the above contention.

11. The petitioner admittedly had filled up his application form as an OBC (Creamy Layer) candidate, and his application was accordingly processed by the respondents. He admittedly did not meet the cut-off marks in the said category, and was, therefore, rightly



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denied an opportunity for appointment and declared unsuccessful by the respondents.

12. The caste certificate, which is now sought to be relied upon by the petitioner, also did not form part of the application that was submitted by the petitioner with the respondents.

13. In view of the above observations, we find that the petitioner therefore, cannot be allowed to now be declared successful in the appointment process on a totally new basis and with new documents being produced by him *post facto*.

14. We, therefore, find no merit in the present petition. The same along with pending applications, if any, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 15, 2025 /Pr/Sm/DG

Click here to check corrigendum, if any