



2026:DHC:3830-DB



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

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*Judgment reserved on: 09.03.2026*

*Judgment pronounced on: 11.05.2026*

*Judgment uploaded on: 11.05.2026*

+ W.P.(C) 9332/2025, CM APPL. 39502/2025, CM APPL.  
39506/2025

STAFF SELECTION COMMISSION .....Petitioner

Through: Mr. Ankur Mittal, CGSC and  
Mr. Aviraj Pandey, Advocate.

versus

HARI MOHAN SHARMA .....Respondent

Through: Ms. Esha Mazumdar and Ms.  
Muskan Sharma, Advocates

**CORAM:**

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

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

**J U D G M E N T**

**ANIL KSHETARPAL, J.:**

1. By way of the present petition, the Petitioner prays for quashing of the Order dated 04.04.2025 passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'], whereby the Original Application (O.A.) filed by the Respondent, seeking consideration and acceptance of his candidature under the Economically Weaker Section (EWS) category, came to be allowed.

2. In order to comprehend the issues falling for the adjudication of this Court, relevant facts in brief are required to be noticed.

3. The Respondent herein, pursuant to the Recruitment Notice dated



01.09.2023, applied for the post of Constable (Executive) Male [hereinafter referred to as 'relevant post'] in Delhi Police Examination for the year 2023 under the EWS category. Consequent thereto, he participated in the selection process and upon clearing the written examination as well as the completion of Physical Endurance and Measurement Test (PE&MT), was permitted to proceed with the subsequent stages of document verification and medical examination.

4. At the stage of document verification, it is the case of the Petitioner that, the Respondent failed to furnish a valid EWS certificate issued on or before the stipulated cut-off date, i.e., 30.09.2023, and pertaining to the relevant financial year, as mandated under the Recruitment Notice. In view of such non-compliance, his candidature was treated under the unreserved (UR) category, in accordance with Clause 6.4 of the Recruitment Notice.

5. Subsequently, the final result against the relevant post was declared on 24.01.2024, however, the Respondent's name was not found in the selection list. Aggrieved thereby, the Respondent submitted a representation along with EWS certificates issued in the year 2019, 2023 and 2024, seeking reconsideration of his candidature. However, the said representation was rejected by the Petitioner *vide* communication dated 04.03.2024, on two primary grounds, namely, that the Respondent had produced an EWS certificate dated 02.09.2019 at the time of document verification, which did not satisfy the requisite criteria of the certificate being issued on or before the prescribed cut-off date for the relevant financial year, and that he had failed to secure the requisite marks under the UR category.



6. Assailing the aforesaid rejection, the Respondent filed an O.A. before the Tribunal, seeking quashing of the rejection letter dated 04.03.2024, and a consequential direction for inclusion of his name in the result dated 24.01.2024. The Tribunal after hearing the parties, allowed the O.A., observing, *inter alia*, that the Respondent admittedly was in possession of the requisite EWS certificate prior to the cut-off date, i.e., 30.09.2023. It is against this decision of the Tribunal that the Petitioner had sought the indulgence of this Court.

7. We have heard learned counsel appearing for the parties and, with their able assistance, perused the paperbook. However, before advert to the rival submissions advanced by the parties, we deem it appropriate to reproduce the relevant extracts of the Recruitment Notice, Standing Order of Delhi Police and e-admit card, which form the bedrock of arguments advanced on behalf of the Petitioner. The relevant extracts are as follows:

**Recruitment Notice dated 01.09.2023**

**Constable (Executive) Male and Female in Delhi Police Examination-  
2023**

<i>Dates for submission of online applications</i>	01-09-2023 to 30-09-2023
<i>Last date and time for receipt of online applications</i>	30-09-2023 (2300 hours)
<i>Last date and time for making online fee payment</i>	30-09-2023 (2300 hours)
<i><u>Dates of 'Window for Application Form Correction' and online payment of Correction Charges.</u></i>	<u>03-10-2023 to 04-10-2023</u> (2300 hours)
<i>Schedule of Computer Based Examination</i>	December, 2023

xxxxx

xxxxx

xxxxx

xxxxx

xxxxx



**6. Process of certification and format of certificates:**

6.1 Candidates who wish to be considered against reserved vacancies or seek age-relaxation are required to submit requisite certificate from the competent authority, in the prescribed format (wherever specified) whenever such certificates are sought by Delhi Police for document verification. Otherwise, their claim for SC/ ST /OBC /EWS, etc category will not be entertained and their candidature/ applications will be considered under General (UR) category. Further, if the candidate has sought any other age-relaxation and is not able to produce the relevant certificate, he/ she will be considered in his/ her respective category i.e. SC/ ST/ OBC/ EWS/ UR. The formats of the certificates are annexed with the Notice of Examination.

xxxxx                      xxxxx                      xxxxx                      xxxxx                      xxxxx

6.4 Candidates applying under EWS category must be in possession of valid EWS certificate as per Annexure-VII issued on or before the crucial date. The crucial date for this purpose will be closing date of receipt of online applications. The EWS certificate issued after crucial date/closing date but valid for the financial year will not be acceptable and such candidates will be considered under UR category.

xxxxx                      xxxxx                      xxxxx                      xxxxx                      xxxxx

**15. Document Verification:**

15.1 All the candidates shortlisted on the basis of their performance in the Computer Based Examination and who qualify all the events of PE&MT (i.e. race, long/high jump and physical measurement) are required to appear for Document Verification along with the photocopies and original documents as mentioned at Para no: 15.3. Document Verification will be conducted by Delhi Police.

xxxxx                      xxxxx                      xxxxx                      xxxxx                      xxxxx

**16. Mode of Selection:**

xxxxx                      xxxxx                      xxxxx                      xxxxx                      xxxxx

16.8 Document verification (i.e. collection of required eligibility certificates/documents from the candidates and their verification with original documents) will be conducted by Delhi Police at the time of PE&MT for the candidates who qualify all the events of PE&MT.

**Standing Order No. HRD/04/2022 issued by the Delhi Police**

“Note 2:

Candidates seeking reservation benefits for SC/ST/EWS must ensure that they are entitled to such reservation as per eligibility on the crucial date. They should also possess the caste/community certificate. The crucial date for this purpose will be the closing date of receipt of online applications. The formats of certificates are annexed as Annexure-E & F.



xxxxx

xxxxx

xxxxx

xxxxx

xxxxx

23. PE&MT and checking of the original documents/certificates to verify eligibility criteria

xxxxx

xxxxx

xxxxx

xxxxx

xxxxx

xiii) All the original documents/certificates pertaining to age, education, SC/ST/OBC/EWS, Hill areas, NOC Discharge Certificate (in case of Ex.SM), sports certificate, ward certificate issued to wards (sons/daughters) of Delhi Police personnel for seeking age relaxation, valid DL (motorcycle or car) etc. would be checked only of the candidate who-successfully qualify all the events of PE&MT i.e. race, Long/high jump and physical measurement. The candidate will also be required to produce self-attested copies of all the original documents/certificates for checking their eligibility at the time of PE&MT as per PE&MT sheet.

xiv) In case any candidate fails to produce the requisite documents during PE&MT process, his/her candidature will be rejected. However, he/she may be given a chance to submit the required, documents within 05 working days. After production of required documents, his/her candidature will be re-considered on merit. However, the candidate must have a valid Driving License issued on or before the actual date of PE&MT.”

**e-Admit Card**

**IMPORTANT INSTRUCTIONS**

xxxxx

xxxxx

xxxxx

xxxxx

xxxxx

2. Candidate must bring all Educational Certificates, Caste certificate, Police ward certificate, Hill Area, Sports Certificates, NCC and Departmental Certificate along with one set of photocopy of all certificates, which is mandatory.

8. Learned Counsel for the Petitioner, while controverting the findings of the Tribunal, has made the following submissions:

8.1. It is contended that the requirement of furnishing a valid EWS certificate, strictly in the prescribed format, issued on or before the stipulated cut-off date and for the relevant financial year, constitutes a binding eligibility condition, non-compliance of which necessarily entails consideration of the candidature under the UR category. However, the Tribunal erred by treating this as a mere technicality, contrary to settled law prohibiting relaxation of notified criteria.



8.2. Developing his submissions further, the Court's attention was drawn to the documents on record, including the PE&MT sheet and the Webtool sheet, to highlight that the reclassification of the candidature of Respondent was not arbitrary, rather a direct consequence of his failure to produce a compliant certificate issued in the relevant financial year.

8.3. It is argued that the certificates issued on 31.05.2023 and 12.01.2024, forming part of the Respondent's representation, are legally untenable. With respect to the Certificate dated 31.05.2023, it has been argued that the same is dehors the prescribed Annexure-VII format and bereft of essential asset particulars as mandated under Clause 6.4 of the Recruitment Notice. Parallely, with regard to the Certificate dated 12.01.2024, it is contended that it being issued beyond the stipulated cut-off date, is rendered ex facie inadmissible.

8.4. Learned counsel also argued that the Tribunal erred in equating EWS certificates with caste certificates, overlooking the fundamental distinction that while caste is an immutable, birth-based status, EWS eligibility is a dynamic condition, determined with reference to the financial year and subject to strict compliance with prescribed formal and temporal requirements. In this backdrop, it is argued that Clause 6.4 of the Recruitment Notice rightly prohibits acceptance of certificates issued after the cut-off date.

8.5. Lastly, it is contended that the reliance placed by the Tribunal on *Dolly Chhanda v. Chairman, JEE*<sup>1</sup>, is misplaced, as the said decision

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<sup>1</sup> (2005) 9 SCC 779



pertains to rectification of minor defects in documents submitted within time and does not sanction the post cut-off substitution of a non-compliant reservation certificate.

9. *Per contra*, learned counsel for the Respondent has made the following submissions:

9.1. It has been argued that at the stage of document verification, the Respondent had duly produced all three EWS certificates dated 02.09.2019, 31.05.2023 and 13.01.2024. Further, it is contended that the objection now sought to be raised with respect to the certificate dated 31.05.2023 being not in the prescribed format is an afterthought, having been raised for the first time before this Court, and therefore cannot be permitted to defeat an otherwise legitimate claim.

9.2. Learned counsel contended that Clause 6.4 of Recruitment Notice is vague, as it does not specify the financial year to which the EWS certificate must relate. Attention of this Court was drawn to a subsequent Recruitment Notice of 2025 to contend that the Petitioner itself has since clarified this requirement, and therefore, the ambiguity in the present notice must operate to the benefit of the Respondent.

### **ANALYSIS & REASONING:**

10. This Court has carefully considered the rival submissions advanced by learned counsel for the parties and perused the material placed on record.

11. At the outset, it may be noted that the controversy in the present case lies within a narrow compass. The issue that falls for



determination is whether the Respondent, who had applied under the EWS category, satisfied the mandatory eligibility condition of possession and production of a valid EWS certificate, in the prescribed format and pertaining to the relevant financial year, as on the crucial/cut-off date, i.e., 30.09.2023.

12. The regime for reservation in favour of EWS candidates at the Union level owes its genesis to the Office Memorandum (OM) dated 19.01.2019 and 31.01.2019 issued by the Department of Personnel and Training (DoPT). These documents not only lay down the income and asset criteria but also mandate that eligibility is to be determined with reference to a prescribed financial year, to be evidenced by a valid *Income and Asset Certificate* (I&AC) issued in the notified format by the competent authority.

13. The Supreme Court in *Divya v Union of India & Ors.*<sup>2</sup>, while upholding the Civil Examination Rules, 2022, treated the requirements prescribed under the OM dated 19.01.2019 and 31.01.2019, as substantive eligibility conditions rather than mere procedural formalities. The Court underscored that the possession of the requisite I&AC, founded upon income and assets pertaining to the relevant financial year, as mandated by the rules and OM, constitutes a condition precedent for claiming EWS status in the concerned selection process. The Court also emphasised that where the rules clearly prescribe the date by which such certificate must not only be possessed but also produced, any candidate who fails to submit a valid certificate, determining EWS eligibility with reference to the prescribed period,

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<sup>2</sup> (2024) 1 SCC 448



before the cut-off date, cannot insist on being treated as an EWS candidate, and the recruiting agency would be fully justified in denying the benefit of reservation.

14. In a subsequent decision of *Sakshi Arha v The Rajasthan High Court & Ors*<sup>3</sup>, concerning reservations for OBC-NCL/MBC-NCL and EWS candidates, the Supreme Court reiterated, in no uncertain terms, the dynamic nature of categories predicated on economic status or the non-creamy layer criterion. The Court categorically held that a candidate applying under the OBC-NCL or EWS category must possess the relevant and valid certificate on the last date for submission of applications. It was expressly observed that OBC-NCL and EWS are ‘highly dynamic and not static’ categories, unlike caste *per se*, and therefore strict adherence to the temporal stipulations contained in the recruitment notification or the governing rules stands justified and cannot be diluted on sympathetic considerations.

15. The aforesaid authorities, when read together, yield certain clear propositions germane to EWS reservation in public employment. *First*, EWS eligibility is a dynamic, income-and-asset based status, to be determined with reference to a particular financial year; whether a candidate qualifies as “EWS” is to be assessed by reference to that year’s economic profile. *Secondly*, where the recruitment rules or notification stipulate that a candidate must possess and/or submit a valid EWS certificate by a particular crucial/cut-off date, such stipulation forms an integral part of the eligibility criteria, and non-compliance would, in the ordinary course, result in denial of the EWS

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<sup>3</sup> 2025 INSC 463



benefit. *Thirdly*, the insistence that the certificate conform to the prescribed format and relate to the relevant financial year is not a pedantic or hyper-technical requirement; rather, it is rooted in the foundational objective of ensuring that only those who are genuinely eligible, in economic terms, receive the benefit of reservation.

16. In this backdrop, it becomes important to advert to the terms of Recruitment Notice governing the candidature of the Respondent. A conjoint reading of Clause 6.1, Clause 6.4, Clause 15.1 and Clause 16.8 of the Recruitment Notice, leaves a little room for ambiguity. Clause 6.4, in clear and categorical language, mandates that a candidate applying under the EWS category must be in possession of a valid EWS certificate as per Annexure-VII issued on or before the crucial/cut-off date, that is, the closing date for receipt of online applications. It further clarifies that any certificate issued after the said date, even if relatable to the relevant financial period, shall not be entertained and that such candidates shall be treated under the UR category.

17. On the other hand, Clause 6.1, Clause 15.1 and Clause 16.8, when read together, underscore the further requirement that candidates who qualify the PE&MT must produce the requisite certificates, including the EWS certificate, at the time of document verification. Thus, the scheme of the notice contemplates a two-fold requirement: timely possession in terms of the crucial date and timely production at the stage of verification.

18. The language employed in the Recruitment Notice is peremptory



and admits of no discretion in its application. The conditions highlighted therein, are not mere matters of procedure, rather they go to the root of eligibility of a candidate. It is well settled that the terms and conditions of a recruitment notification, having the force of law in the context of the selection process, are binding on all stakeholders and must be strictly complied with. Any deviation or relaxation, dehors the terms of the notice, would not only amount to rewriting the rules of the game midstream but would also offend the equality mandate enshrined in Article 14 of the Constitution of India by injecting arbitrariness into a process that must, by its very nature, be fair, transparent and uniform.

19. At this stage, it is apposite to advert to the OM dated 31.01.2019. Clause 4.1 of the said OM, while prescribing the criteria of income and assets for identification of EWS, also clarifies the relevant financial year to be taken into consideration, namely, the financial year immediately preceding the year of application. The said OM holds significant importance, in as much as it removes any ambiguity in the Recruitment Notice, with respect to the financial year applicable for determining the eligibility of the candidates under the EWS category. The relevant clause is reproduced hereunder for ready reference:

**“4. Criteria Of Income & Assets:**

**4.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.”**

*(Emphasis supplied)*

20. In the present case, although it has been argued by the



Respondent that, at the time of document verification, he produced the EWS certificate pertaining to the year 2023, however, the record tells a different story. The relevant extract from the PE&MT form is reproduced hereunder:

**DOCUMENT VERIFICATION WITH ORIGINAL CERTIFICATES**

xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx
<i>SC/ST/OBC/EWS/HILL</i>	<i>Yes</i>	<i>EWS</i>	<i>(iv)Ex-</i>		
<i>Area certificate (EWS</i>		<i>issued on</i>	<i>Servicemen</i>		
<i>certificate issued on or</i>		<i>dt 2-9-</i>	<i>(Others)</i>		
<i>before the closing date of</i>		<i>2019</i>			
<i>receipt of online</i>					
<i>application</i>					
<i>i.e.</i>					
<i>30.09.2023</i>					

A perusal of PE&MT form reveals only the production of an EWS certificate dated 02.09.2019, which although issued prior to the cut-off date, clearly did not pertain to the relevant financial year. As regards the certificate dated 31.05.2023, mere possession of a document would not suffice unless the same satisfied the substantive requirement of being in the required format at the time of document verification as prescribed under the Recruitment Notice.

21. In this regard, it is pertinent to highlight that the Respondent has not challenged the validity of PE&MT form, nor has any plausible explanation been furnished by him as to why only the EWS certificate dated 02.09.2019 was reflected in the PE&MT form at the time of document verification. Similarly, no cogent justification has been advanced as to why reliance was placed on a certificate which, *ex facie*, did not relate to the financial year immediately before the last date of submission of application, i.e. 2022-23.



22. Additionally, even otherwise, reliance placed by the Respondent upon the certificate dated 31.05.2023, to contend that the same was submitted prior to 30.09.2023, which was the last date to submit the documents, is also subject to scrutiny. The said document was not accepted by the Department being not in the format prescribed. The Recruitment Notice specifically prescribed the format of the EWS certificate to be produced in order to avail the benefit of EWS category. The format is reproduced as under:

Annexure-VII

Government of.....

(Name & Address of the authority issuing the certificate)  
**INCOME & ASSETS CERTIFICATE TO BE PRODUCED BY  
 ECONOMICALLY WEAKER SECTIONS**

Certificate No. \_\_\_\_\_ Date: \_\_\_\_\_

VALID FOR THE YEAR \_\_\_\_\_

This is to certify that Shri/Smt./Kumari \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ permanent resident of \_\_\_\_\_ Village/Street \_\_\_\_\_ Post. Office \_\_\_\_\_ District \_\_\_\_\_ in the State/Union Territory \_\_\_\_\_ Pin Code \_\_\_\_\_ whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income\* of his/her family\*\* is below Rs. 8 lakh (Rupees Eight Lakh only) for the financial year \_\_\_\_\_. His/her family does not own or possess any of the following assets\*\*\* :

- I. 5 acres of agricultural land and above;
- II. Residential flat of 1000 sq. ft. and above;
- III. Residential plot of 100 sq. yards and above in notified municipalities;
- IV. Residential plot of 200 sq. yards and above in. areas other than the notified municipalities.

2. Shri/ Smt/ Kumari \_\_\_\_\_ belongs to the \_\_\_\_\_ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)

Recent Passport size attested photograph of the applicant

Signature with seal of Office \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

\*Note 1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

\*\*Note 2:The term 'Family' for this purpose include the person, who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

\*\*\*Note 3: The property held by a "Family' in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

23. We have also perused the certificate dated 31.05.2023, which the Petitioner claimed to have allegedly produced before the Department.



Even if the case of the Respondent is taken at the highest that the said certificate was in fact submitted within the stipulated time limit, the same concededly was not as per the format. The said certificated dated 31.05.2023 is reproduced as under:

**Government of Rajasthan**  
Office of the Sub Divisional Officer, Lachhmangarh, (A)  
ALWAR, Rajasthan

INCOME & ASSEST CERTIFICATE TO BE PRODUCED BY  
ECONOMICALLY WEAKER SECTIONS

Certificate No. : 23525358098  
Date: 31-05-2023  
VALID FOR THE YEAR 2023-24

This is to certify that Shri HARI MOHAN SHARMA son/daughter/wife of SHRI RAM SHARMA , Mother Name - Smt SAVTRI DEVI , permanent resident of village roop has thakdi toda toda teh laxmangarh alwar Village/Street ALWAR (अलवर) Post Office District ALWAR in the State/ Union Territory Rajasthan Pin Code 321607 "whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income\* of his/her "family "\*\*\*is below Rs. 8(Rupees Eight Lakh only) for the financial year 2022-23 \*\*\*

2. Shri/Smt./Kumari HARI MOHAN SHARMA belongs to the ब्राह्मण caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (State List)

This certificate is recognized for State of Rajasthan.

\*B.C.

1. Income covered all sources i.e. salary, agriculture, business, profession, etc
2. The term "Family" for this purpose include the person, who seeks benefit of rese rvation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years
3. This certificate is in rele vance of notification F 7/1/DOP/A-II/2019 date 20-10-2019 issued by Department Of Personnel, Government Of Rajasthan
4. यह प्रमाण-पत्र डिजिटल प्रमाणित है
5. इसी से जारी किये गये प्रमाण पत्र का प्रमाणित किया जा सकता है। प्रमाणित करने के लिए राजस्थान सरकार की वेबसाइट [rajasthan.gov.in](http://rajasthan.gov.in) पर दिए गए ऑनलाइन VERIFICATION SECTION से Online सत्यापित किया जा सकता है। सत्यापन नंबर: 04134056

**SDM-LACHHMANGARH-ALWAR**

*Huahu  
Sunny*

Signature valid

Digitally signed by  
SUBHASH YADAV  
Date: 2023.05.31 15:59:21  
+0530  
Reason: I have signed  
Location: Rajasthan

This annexure is true copy  
of its respective original.  
Date: 31/05/23

EMEGBS 04134056

24. Thus, upon a perusal of the aforesaid documents, it remains undisputed that no valid certificate has been submitted by the Respondent prior to the cut-off date. In such circumstances, once it is established that no valid certificate was produced and that the



Respondent was not in possession of the requisite certificate on the closing date of application i.e., 30.09.2023, in the considered opinion of this Court, the Tribunal fell in error in allowing the O.A. by considering the EWS certificate dated 31.05.2023, to be in conformity with the advertisement and by considering alleged submission of the same to be valid.

25. Accordingly, once the Recruitment Notice, as well as the e-admit card, explicitly mandated the production of a valid EWS certificate issued as per Annexure-VII and pertaining to the financial year 2022-23, the Respondent was under an obligation to strictly adhere to the said requirement. However, in deviation thereof, the Respondent chose to rely upon an EWS certificate of the year 2019, which, by its very nature, stood in plain and irreconcilable conflict with the prescribed conditions. Similarly, the reliance placed on EWS certificate dated 31.05.2023 is wholly untenable, inasmuch as the same is not in consonance with the prescribed format under Annexure-VII of the Recruitment Notice.

26. The submission advanced on behalf of the Respondent that Clause 6.4 is vague, on the ground that it does not expressly spell out the relevant financial year, is equally devoid of merit. The requirement that the certificate must be valid for the relevant financial year is implicit in the very nature of EWS certification, which is inherently time-sensitive and contingent upon the economic status of the candidate for a particular financial year. The absence of an explicit mention does not render the clause ambiguous so as to warrant an interpretation in favour of the candidate, particularly when the scheme of the



Recruitment Notice, read as a whole, clearly highlights a strict temporal compliance.

27. Equally untenable is the reliance placed upon a subsequent Recruitment Notice of the year 2025, to contend that the Recruitment Notice of 2023 was ambiguous. It is well settled that a subsequent clarification, refinement or modification in a later recruitment exercise cannot be employed to retrospectively alter or dilute the nature, content or rigour of the terms governing an earlier selection process, unless the later notification itself expressly provides for such retrospective application, which is conspicuously absent in the present case.

28. The distinction sought to be drawn between caste certificates and EWS certificates, as emphasised by the Petitioner is, in the considered view of this Court, well-founded. Caste is an immutable characteristic, determined by birth and ordinarily unaffected by the vicissitudes of time. EWS status, however, is fluid, contingent and susceptible to change with the ebb and flow of a candidate's financial circumstances. It is precisely for this reason that the insistence on a certificate pertaining to the relevant financial year, issued within the stipulated timeframe, assumes particular and critical importance. In our opinion, the Tribunal, erred in overlooking this fundamental conceptual distinction.

### **CONCLUSION:**

29. In light of the foregoing discussion, this Court is of the considered view that the Tribunal fell into an error in allowing the Original Application by treating the requirement of submission of a



2026:DHC:3830-DB



valid EWS certificate as a mere technicality.

30. The Respondent, having failed to satisfy the mandatory eligibility conditions as to possession and production of a valid EWS certificate for the relevant financial year by the crucial/cut-off date, was rightly disentitled to the benefit of the EWS category, and his candidature could only be reckoned in the unreserved pool. The contrary view taken by the Tribunal cannot, therefore, be sustained in law.

31. Accordingly, the present petition is allowed in the aforesaid terms. The Impugned Order dated 04.04.2025 is hereby set aside.

32. The present Petition stands disposed of. The pending applications shall stand closed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**MAY 11, 2026**  
*s.godara/hr*