



2025:DHC:7872-DB



\$~78

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

+ **W.P.(C) 8853/2023 & CM APPL. 33466/2023**

**NIDHI**

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Anshuman Mehrotra, Mr. Nikunj Arora, Mr. Arjun Panwar, Mr. Amrit Koul, Mr. Prahil Sharma, Ms. Muskaan Dutta and Ms. Anushka Sharma, Advs.

versus

**UNION OF INDIA AND ORS**

.....Respondents

Through: Mr. Akshay Amritanshu, Sr. PC with Ms. Drishti Saraf, Ms. Drishti Rawal, Mr. Sarthak Srivastava and Mr. Mayur Goyal, Advs. for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT(ORAL)**

%

**03.09.2025**

**OM PRAKASH SHUKLA, J.**

1. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the impugned letters dated 23.06.2023 and 26.06.2023 issued by the present respondents, wherein it has been concluded that the petitioner has failed to qualify the long jump event in the Limited Departmental Competitive Examination<sup>1</sup>. The petitioner has sought to assail the said impugned letters as according to her, it has hindered her selection to the rank of Assistant

---

<sup>1</sup> "LDCE", hereinafter



Commandant (GD) in the Central Armed Police Forces<sup>2</sup>.

2. The facts in brief are that an advertisement dated 22.04.2022 was issued by respondents inviting applications from eligible candidates serving as Sub-Inspectors and Inspectors in CAPFs for selection to the rank of Assistant Commandant (GD) through LDCE for vacancies in the years from 2018 till 2022.

3. The above mentioned advertisement stipulated that the selection would be conducted through LDCE, wherein only the candidates who qualify in the written examination (Paper-I and Paper-II) would become eligible for Physical Standard Test<sup>3</sup> and Physical Efficiency Test<sup>4</sup>. Further, the criteria for PST, inter alia, included a sub-event of long jump of 3.00 meters for which three chances were provided to the female candidates.

4. The present petitioner was appointed on 07.10.2016 in Sashastra Seema Bal<sup>5</sup> as Sub-Inspector. As per the Standing Operating Procedure (w.e.f. 01.07.2014), for the post of Assistant Commandant (GD) issued by the Ministry of Home Affairs, the petitioner became eligible for selection upon completion of four years as on 1<sup>st</sup> January of the said vacancy year. The petitioner herein became eligible in the year 2022. Hence, upon attaining eligibility, the petitioner appeared for the written examination on 28.08.2022.

---

<sup>2</sup> "CAPF", hereinafter

<sup>3</sup> "PST", hereinafter

<sup>4</sup> "PET", hereinafter

<sup>5</sup> "SSB", hereinafter



5. After the written examinations, the petitioner appeared in the sub-events including PST and PET, starting from 100 meters race, 800 meters race after which she attempted the long jump. A Board of Officers was constituted vide order dated 16.09.2022 by the Directorate General, SSB for conducting the PST & PET. It is an admitted fact by the respondents that the PST & PET Board announced her qualification in the long jump in her first attempt on 27.09.2022. Accordingly, the petitioner had qualified the written examination on 03.01.2023 and was shortlisted for the interview round on 22.03.2023. Thereafter, her name was included in the list of qualified candidates, rendering her eligible for the subsequent medical examination. It is undisputed between the parties that the petitioner qualified subsequent rounds in the recruitment process including the final medical examination stage on 25.05.2023, wherein the petitioner was declared fit.

6. In the meantime, the respondents received three complaint letters alleging irregularities in the recruitment process to the rank of Assistant Commandant, for the vacancy years from 2018 to 2022. Thereafter, acting on these complaints, an investigation was undertaken to verify whether the allegations were made out or not which culminated in the “Investigation/Verification Report” dated 04.05.2023. Although the Report recorded specific allegation against the present petitioner, this Court notes that the said Report found the allegations levied to be baseless and fabricated.

7. Despite the findings of the abovementioned Report, a second



Board was constituted on 06.06.2023, comprising five members to conduct a review of the footage of the long jump attempted by the petitioner. Upon examination of the footage, the respondents declared that the petitioner had not qualified the long jump and had thereby exhausted first out of three attempts in total. It is an admitted fact that the reason of disqualification was that the petitioner touched the jump line. It is further admitted by both parties that after the review wherein the present petitioner was disqualified, the footage was again examined by a different Board consisting of sports specialist, and the disqualification finding was reaffirmed.

**8.** Following the two Board reviews, after the petitioner had qualified the final stage, i.e., medical examination in the recruitment process, the respondents issued a letter dated 23.06.2023 informing the petitioner of her disqualification in the long jump (the “first impugned letter”). By a subsequent letter dated 26.06.2023 (the “second impugned letter”), the respondents directed the petitioner to appear on 28.06.2023 to undertake a second attempt at long jump. Apparently, the petitioner appeared on the scheduled date but was unwilling to attempt the long jump as recorded in the Board proceedings; consequently, no long jump attempt took place on that date.

**9.** Thereafter, pursuant to an order of this Court dated 05.07.2023, the respondents were directed to conduct a fresh long jump event for the petitioner after four weeks from the date of the said order.



**10.** In compliance with the Court's direction, a second attempt was conducted on 04.08.2023. The Board proceedings placed on record before us stipulate that on the said date, the petitioner exhausted her last two attempts and did not qualify.

**11.** The learned counsel for the petitioner submits that the recruitment process was sequential in nature, wherein one round had to be qualified to participate in the next round. The counsel further submits that the petitioner was declared qualified in the long jump in her first attempt by the Board and was further held qualified in the interview and declared fit in the medical examination. Hence, the recruitment process qua the petitioner was completed. After which, the Board attempted to vitiate its own finding based on anonymous allegations which were held to be baseless in the Investigation Report itself. It was also submitted that respondents acted upon anonymous complaints, which is contrary to the circulars issued by the Central Vigilance Commission dated 23.01.2015 and 24.09.2020, prohibiting taking action on anonymous complaints by Ministries, Departments, and Organisations thereof.

**12.** Further, it was submitted that no ground was made out to institute review of a settled finding of the Board and that the Board did not possess such powers of review.

**13.** The learned counsel for the petitioner submits that the



respondents failed to appreciate that the long jump event was not to be adjudged as a sports event but merely as part of PST & PET in the recruitment process, wherein competitive sports rules do not apply. Further, it was contended that, even assuming the standards of competitive sports were to apply, the respondents failed to establish a proper field of play as stipulated under Rule 29 in the World Athletics Technical Rules, 2022. It was contended that the line drawn was thicker than what is the norm and further that the respondents did not comply with the order of this Court dated 05.07.2023 wherein direction was issued to respondents to conduct a fresh opportunity; however, the respondents only allowed petitioner to exhaust her remaining two attempts.

**14.** Pertaining to the second impugned letter from the respondents directing the petitioner to appear on 28.06.2023 for her second attempt, the petitioner submits that she was suffering from certain ailments and on 29.05.2023, the petitioner was diagnosed with dengue, rendering her in a physically unfit position to partake in the long jump. Aggrieved, the petitioner preferred a representation dated 28.06.2023 seeking sufficient time to recover before attempting the long jump.

**15.** Per contra, the respondent contests the abovementioned claim of the petitioner and alleges that the petitioner made a representation dated 26.06.2023, citing her health issues on the very next day of her medical examination, which was also the day of the second impugned letter wherein her disqualification was communicated and she was



directed to appear for her second attempt. The respondent contends that the medical issues cited by the petitioner were not raised in good faith, since on 12.06.2023, the SSB Academy Hospital deemed her platelet count as normal, and on 16.06.2023, the petitioner was treated for other pains after which treatment was completed. Thus, it has been the submission of the learned counsel for the respondents that the petitioner was medically fit on 26.06.2023 to partake in the long jump. It is further contended that the petitioner did not object to the disqualification in the first round and had appeared for the second attempt.

**16.** The learned counsel for the respondent submits that the petitioner had touched the jump line, which rendered her disqualified. The counsel maintains that the respondents have the authority to review their selection process, and the same was done to maintain the sanctity and regularity of the process. Upon such review, the Board meted out that the petitioner touched the jump line in her first attempt, which was reaffirmed by another Board consisting of sports specialists; hence, her disqualification is valid. It is specifically pleaded by respondents before this Court that since there was no explicit rule to govern situations wherein candidates touch the line itself, the Board exercised its discretion as the competent authority. It was also brought to our attention that the petitioner had failed twice subsequently and thereby exhausted all her attempts on 04.08.2023.

**17.** The learned counsel for the respondent submits that allegations of irregularity in the recruitment process are serious and must be



investigated thoroughly by a competent authority. The counsel places reliance on *Union of India v. O. Chakradhar*<sup>6</sup> wherein it was held that the selection process could be revisited if procedural regularities were detected and upon *Union of India v. Narendra Singh*<sup>7</sup> wherein it was held that inadvertent mistakes in evaluation are to be corrected to maintain sanctity of the selection process.

**18.** We have heard the counsels for both parties and perused the material on record. This Court vide order dated 05.07.2023 issued notice and directed the respondents to reserve one vacancy for the present petitioner for the post of Assistant Commandant (GD) and directed respondents to fix a date for the fresh conduct of long jump by the petitioner. Thereafter, vide order dated 23.04.2025, both sides were directed to place on record their respective written submissions.

**19.** For the following reasons set out below, we are of the view that the present petition shall be allowed.

**20.** Firstly, we find no authority for the respondents to have constituted a review board after the results were declared, wherein the petitioner was admittedly found qualified. A duly constituted Board had examined the case of the petitioner and came to the finding that the petitioner had qualified in her first attempt and had become eligible to participate in the subsequent round of the recruitment process. It is pertinent to mention here that since the findings of the

---

<sup>6</sup> 2002 3 SCC 146

<sup>7</sup> 2008 2 SCC 750





Investigation Report recorded that the allegations were baseless, there was no cogent ground to conduct a review of the long jump after almost three months. Thereafter, we find no authority wherein respondents could have conducted a second review as well.

**21.** The second ground is that there is, in fact, no instruction or rule, or byelaw, to which the learned counsel for the respondents has been able to draw our attention, stipulating that if the candidate touched the jump/finishing line, it would lead to disqualification. The advertisement dated 22.04.2022 merely states “*Long Jump 3.00 mtrs (Three chances will be given)*”. The benefit of doubt in such a case should lie in favour of the candidate. This finds footing in the decision of the Apex Court in *Tej Prakash Pathak v. Rajasthan High Court*<sup>8</sup>, wherein it was reaffirmed that eligibility criteria cannot be changed once the recruitment process has begun unless the rules permit so. In the present case, nothing has been put on record to show that the applicable rules allow the appointing authority to devise new rules in situations of legal vacuum after the recruitment process has begun, nor does the advertisement stipulate that the criteria for the same are subject to change.

**22.** As per the material placed on record before us, we find that neither the relevant Standing Operating Procedure nor the advertisement dated 22.04.2022 stipulate a rule or criterion or guideline for disqualification on the ground that a candidate touches the jump line.

---

<sup>8</sup> 2024 INSC 847



**23.** The first Board, in full awareness of the fact that the petitioner had touched the three meter line, found her to be qualified. The subsequent Review Boards – which, we reiterate, were constituted without authority – disqualified the petitioner solely on the ground that she had touched the three meter line. In the absence of any Rule requiring the candidate to cross the three metre line, we are of the opinion that the Review Board was not justified in disqualifying the petitioner. Due to the absence of any rule stipulating disqualification on the said ground, the rules cannot be construed to the detriment of the candidate, especially in the light of findings of the Investigation Report, which do not make out any cogent grounds to warrant a review.

**24.** We also find substance in Mr. Chhibber's contention that the aspect of whether the petitioner had succeeded in the three metre long jump could not be tested on the standards applicable to competitive athletic events, in the absence of any stipulation to that effect in the applicable Rules.

**25.** In the above view of the matter, the disqualification of the petitioner by the respondents was clearly illegal. The cancellation of her candidature is thereby quashed and set aside. The petitioner shall be treated as having qualified the long jump event in her first attempt on 27.09.2022 and her candidature shall be further processed in accordance with law.



2025:DHC:7872-DB



**26.** The petition stands allowed to the aforesaid terms. Pending application(s), if any, stands disposed of.

**OM PRAKASH SHUKLA, J.**

**C.HARI SHANKAR, J.**

**SEPTEMBER 3, 2025/ng**