



2026:DHC:68-DB



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

*Reserved on:27.11.2025
Pronounced on:07.01.2026*

+ W.P.(C) 6577/2019

GHANSHYAM DAS

Through:

Mr. Praveen Nagar, Mr. Amit Kumar Verma, Mr. Shalab Agarwal, Advs.

versus

UNION OF INDIA & ANR.

Through:

.....Respondents

Mr. R.V. Sinha, Mr. A.S. Singh, Ms. Shirya Sharma, Mr. Moti Garg, Advs. for UPSC with Ms. Chawng Lien Mawi, Under Secretary

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 03.12.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 4238/2015, titled as *Prof. Ghanshyam Das v. Union Public Service Commission & Anr.*, filed by the petitioner herein, whereby the learned Tribunal dismissed the said O.A., with the following directions:

"5. The selection to the post in question was exclusively through interview. It is not disputed that applicant was eligible to be



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considered. However, in the interview he secured only 22 marks. The minimum stipulated for the post, is 50 in the scale of 100, and for reserved category, it was reduced to 40. Since, the applicant secured only 22marks, he was not selected.

6. No exception can be taken to the action taken by the respondents. The O.A. is dismissed. There shall be no order as to costs.”

FACTS OF THE CASE

2. The present petition arises out of a recruitment process initiated by the Union Public Service Commission (UPSC) (hereinafter referred to as respondent no.2)) for the post of Assistant Director Grade-II (Mechanical) in the Office of Development Commissioner, Ministry of Micro, Small and Medium Enterprises Development Organization. The respondent no.2, *vide* Advertisement No. 06/2014 published in the Employment News dated 12th to 18th April, 2014, invited applications from eligible candidates for filling up eight (8) posts of Assistant Director Grade-II (Mechanical) across different categories. The last date for submission of applications was 01.05.2014.

3. Out of the aforesaid eight (8) posts, one post was specifically reserved for the Physically Handicapped Persons with Disabilities (PH category) in accordance with the applicable statutory provisions governing reservation for persons with disabilities in public employment.

4. It is the case of the respondents that, in response to the said advertisement, the respondent no.2 received a total of approximately 920 applications, out of which three applications were from candidates



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belonging to the PH category. Upon scrutiny of application on the prescribed shortlisting criteria, 79 candidates were shortlisted for the interview stage, including two candidates under the PH Category

5. As per the eligibility conditions prescribed in the advertisement, candidates were required, *inter alia*, to possess a degree in Mechanical Engineering from a recognized University or Institute or hold an equivalent qualification. The petitioner, who is admittedly a person with 60% locomotor disability and holds a degree in Mechanical Engineering from a recognized institution, submitted his application for the said post. Having fulfilled the shortlisting criterion belonging to the PH category, the petitioner was called for the interview and appeared on 15.06.2015. The other PH category candidate did not appear for the interview.

6. The selection process for the post in question was conducted exclusively on the basis of interview.

7. The Interview Board, duly constituted by the respondent no.2 that is the UPSC in accordance with the prescribed procedure, conducted the interview of the petitioner. However, upon assessment of his performance, the Interview Board did not find the petitioner suitable for the advertised post on the ground that he had scored 22 marks in the interview, which is much less than the minimum qualifying 40 prescribed for candidates belonging to the PH category. Consequently, the petitioner was not recommended for appointment to the said post.

8. Upon completion of the interview process, the UPSC



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recommended a total of seven candidates for appointment. As the petitioner was the only candidate from the PH category who appeared for the interview, and did not secure the minimum qualifying marks, no recommendation was made against the post reserved for the PH category, and the post was declared "infructuous at the interview stage."

9. Aggrieved by the aforesaid declaration and by his non selection, the petitioner approached the learned Tribunal by filing the above said O.A challenging the action of the respondent no.2, that is the UPSC, and seeking a direction to quash the notation declaring the PH category post as 'infructuous at the interview stage', and sought direction to consider his appointment for the post of Assistant Director, Grade-II (Mechanical).

10. The learned Tribunal, *vide* the Impugned Order, dismissed the aforesaid O.A, holding that the petitioner had failed to secure the minimum marks prescribed for the interview and was therefore not selected.

11. Aggrieved of the Impugned Order, the petitioner has now filed the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

12. The learned counsel for the petitioner submits that the petitioner, being a person with 60% locomotor disability affecting his left arm since birth, attended the interview on 15.06.2015 before the respondent no. 2. He further submits that although another candidate had applied under the PH category, only the petitioner appeared for



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the interview. Consequently, being the sole candidate who appeared for the interview against the post reserved for the PH category, the petitioner was entitled to appointment to the said post. To further his submission, he places reliance upon the Judgment of the Supreme Court in ***Bhudev Sharma v. District Judge, Bulandshahr&Anr.*** (2008) 1 SCC 233.

13. He further submits that on 22.06.2015, the respondent no.2 published the list and scores of seven candidates who were recommended and selected across all categories, stating that “*PH post has become infructuous at interview stage*”. This was done despite the fact that the petitioner was the only candidate who appeared for the interview for the PH reserved post and possessed higher merit, more qualifications and more experience than stipulated in the advertisement. He places reliance upon the Supreme Court Judgment in ***Ashok Kumar Sharma v. Chander Shekhar*** (1997) 4 SCC 18 to submit that by allowing the petitioner to appear for the interview, the Recruiting Authority was able to get the best talent available, which would be in furtherance of public interest.

14. He further submits that the advertisement issued by the Commission lacked transparency inasmuch as the minimum qualifying marks were not stipulated prior to the declaration of results. He argues that unless a candidate is made aware of the marks to be secured in the interview to remain in the fray, proper preparation would not be possible. Consequently, the selection procedure adopted by the Interview Committee and the list prepared thereof suffered



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from error, irregularity and illegality, thereby vitiating the entire selection criteria and rendering the decision of the Board legally untenable. The Impugned Order of the learned Tribunal is therefore liable to be set aside and quashed. In support of this submission, reliance is placed upon the Judgments of the Supreme Court in *Salam Samarjeet Singh v. High Court of Manipur at Imphal and Anr.* (2016) 10 SCC 484; and in *Hemani Malhotra v. High Court of Delhi* (2008) 7 SCC 11.

15. He further submits that the respondent no. 2 has violated the basic tenets and provisions of The Rights of Persons with Disabilities Act, 2016. The sole objective of the said Act is to empower persons with disabilities by safeguarding their dignity, freedom to make their own choices, independence, and their position in the society. One of the cardinal reasons for providing employment to the persons with disabilities in government service is to accord them self-worth and purpose, thereby securing for them a better position in the society. Society tends to alienate persons with disabilities, leading to discrimination and exclusion. To this effect, he places reliance upon the Judgments of the Supreme Court in *Justice Sunanda Bhandare Foundation v. Union of India & Anr.*, (2014) 14 SCC 383; and *Union of India v. National Federation of the Blind*, (2013) 10 SCC 772. Reliance is also placed upon the decisions of Calcutta High Court in *Blind Persons' Association v. Public Service Commission, West Bengal*, 2005 SCC OnLine Cal 679; and of this Court in *Shruti Kalra v. University of Delhi & Ors.*, 2001 SCC OnLine Del 91.



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16. He further submits that therefore the Impugned Order is liable to be set aside.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

17. The learned counsel for the respondents submits that the respondent no.2 received about 920 applications, out of which 3 applications were of candidates belonging to the PH category. After complying with the shortlisting criteria, 79 candidates across different categories (UR-24, OBC-12, SC-28, ST-13, PH-02) were shortlisted, out of which two candidates were shortlisted under the PH Category, and interviews were thereafter conducted from 15th June to 19th June, 2015. Out of the 79 shortlisted candidates, including two candidates under the PH Category, 40 candidates appeared for the interview while the others failed to appear. Ultimately, 7 candidates were recommended for appointment. He submits that out of the two PH candidates shortlisted for the interview, only the petitioner appeared. However, the petitioner was not recommended for the post as he secured 22 marks in the interview, whereas the minimum qualifying marks were 40 for the PH category. To substantiate his submission, he places reliance upon Judgments of Supreme Court in ***Mehmood Alam Tariq v. State of Rajasthan & Ors.***, (1988) 3 SCC 241 and ***State of U.P. v. Rafiquddin***, 1987 Supp SCC 401, and the Order dated 21.01.2020 passed by this Court in ***UPSC v. Mukesh Kumar Suman*** (W.P. (C) 13150/2018).

18. He further submits that according to Circular no. 01/2005- F 16/11 (6)/2004/R (C&P) dated 04.01.2005, evolved as a policy by the



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Respondent-2/UPSC, the minimum qualifying marks for interviews are 50% for the General category, 45% for the OBC category, and 40% for SC/ST/PH categories. The norms laid down by the Commission in the aforesaid Circular are being consistently followed in all recruitment cases. The same principles have been followed in the present case of recruitment to the post of Assistant Director, Grade II (Mechanical) in the office of the Development Commissioner, Ministry of Micro, Small and Medium Enterprises.

19. He further submits that consequently, the PH post became infructuous at interview stage. Reliance is placed upon *Ankita Thakur v. The Himachal Pradesh Staff Selection Commission*, 2023 SCC OnLine SC 1472, to contend that if the extant Rules provide for the power to relax eligibility criteria, when such power is exercised, there must be wide publicity thereof. He further submits that the result of the recruitment exercise was published in the Employment News dated 08th to 14th August, 2015. Thus, the results have already been published in the public domain and the PH post was declared infructuous as there was no eligible candidate. He submits that Courts generally avoid interfering in the selection process of public employment, recognizing the importance of maintaining the autonomy and integrity of the selection process. To this effect, he places reliance upon the Judgment of the Supreme Court in *Tajvir Singh Sodhi v. The State of Jammu & Kashmir*, 2023 SCC OnLine SC 344.

20. He submits that selection to the aforesaid post was exclusively on the basis of interview, against which the minimum of 40 marks



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were stipulated for the PH category and 50 marks for General category candidates. In support of this submission, he places reliance upon Judgments of the Supreme Court in *Anzar Ahmad v. State of Bihar & Ors.*, (1994) 1 SCC 150 and of this Court in *Pankaj Kumar v. Union Public Service Commission*, 2013:DHC:1938-DB.

21. He further submits that as per paragraph 9(f) of the Instructions and Additional Information to candidates provided in the advertisement, it was clearly stipulated that "*The summoning of candidates for interview convey no assurance whatsoever that they will be selected*". In support of this submission, he places reliance upon the Judgment of Supreme Court in *Chandra Prakash Tiwari & Ors. v. Shankuntala Shukla & Ors.*, (2002) 6 SCC 127.

22. He further submits that information regarding minimum qualifying marks is available in public domain, specifically on the website of the Commission in the form of Frequently Asked Questions (FAQ) and Answers in Respect of Recruitment by Selection (Through Interview). The relevant portion is extracted as under:

"Q 17 - What are the minimum suitability marks in the interview?

Answer - Candidates are given marks in the Interview out of 100. The marks for minimum standard of suitability, categorywise, are as below:

Category	Standard of Suitability
General/EWS	50
OBC	45
SC, ST & PwD	40

23. He further places reliance upon Judgment of Supreme Court in *Bishnu Biswas & Ors. v. Union of India & Ors.*, (2014) 5 SCC 774,



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to submit that the selection criteria is adopted and declared at the time of commencement of the recruitment process.

ANALYSIS AND FINDINGS

24. We have considered the submissions advanced by the learned counsels for the parties and perused the material on record.

25. The issue that arises for consideration is whether a person with disability, who scores less than the minimum qualifying marks, can be considered as an eligible candidate for the post of Assistant Director Grade-II, (Mechanical), when no other candidate appeared for the interview.

26. Upon persual of the record, it is undisputed that the petitioner, being a person with 60% locomotor disability and holding degree in Mechanical Engineering, was eligible for the interview for the post advertised by the respondents. It is also not disputed that the petitioner possesses higher qualifications than that stipulated in the advertisement.

27. Upon declaration of the result, the petitioner was not declared qualified for the said post as he had scored only 22 marks, significantly much less than the minimum qualifying marks of 40 prescribed for the PH category. Consequently, the said post was declared infructuous at the interview stage. It is evident from Circular dated 04.01.2005, that the minimum qualifying marks for interview for the PH category was 40%, and the same had been consistently followed in the present selection process and had been reiterated in the FAQ at Question 17.

28. While, it is true that The Right of Persons with Disabilities Act,



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2016 seeks to empower persons with disabilities and safeguard their dignity and freedom, it does not stipulate that in order to achieve such empowerment, the rules governing public employment and advertisement are to be bent to an extent as would result in reverse discrimination and make a mockery of the government recruitment process by appointing undeserving and unqualified candidates. If the power to relax the Eligibility Criteria is reserved in the advertisement, the Recruiting Authority has the exclusive right to exercise the same.

29. In the present case, it is clearly mentioned in the advertisement that calling a candidate for interview does not convey any assurance of selection. Merely being the lone candidate in the PH category, does not entitle a candidate automatic selection. The candidate must still be found suitable by the Interview Board. The selection in the present case was entirely interview-based.

30. The petitioner cannot plead ignorance and seek refuge behind the decisions of the Supreme Court to further his submissions that he possesses higher merit, more qualifications (M. Tech in Mechanical Engineering), and greater experience than what was required in the advertisement, and by appointing him, the recruiting authority would secure the best available talent and further "public interest".

31. The reliance placed by the petitioner on a catena of Supreme Court Judgments and of various High Courts do not come to his rescue, as the aforesaid Judgments were passed in entirely different factual circumstances.

32. It is a well-settled principle that Courts in India generally avoid



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interfering in the selection process for public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. Reliance to this effect may be placed on the Judgment of the Supreme Court in *Tajvir Singh Sodhi* (supra), the relevant portion whereof is extracted hereunder:

“65....Before proceeding further, it is necessary to preface our judgment with the view that Courts in India generally avoid interfering in the selection process of public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. The Courts recognise that the process of selection involves a high degree of expertise and discretion and that it is not appropriate for Courts to substitute their judgment for that of a selection committee. It would be indeed, treading on thin ice for us if we were to venture into reviewing the decision of experts who form a part of a selection board.

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66. *Thus, the inexorable conclusion that can be drawn is that it is not within the domain of the Courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such cases of inherent arbitrariness, can the Courts intervene.*

67. *Thus, Courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva-voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance*



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of candidates appearing before the Selection Committee/Interview Board should be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the selection board/interview panel in assessing the suitability of candidates, namely, (i) that the candidates who had done their post-graduation had been awarded 10 marks and in the viva-voce, such PG candidates had been granted either 18 marks or 20 marks out of 20. (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water."

33. In our view, the Recruiting Authority cannot be compelled to appoint a non-meritorious candidate on the ground of being the lone candidate, when such candidate has secured marks substantially below the minimum qualifying marks.

CONCLUSION

34. For the aforesaid reasons, the present writ petition being bereft of merit, is dismissed. The Impugned Order of the learned Tribunal is upheld.

35. The pending applications, if any, are disposed of as infructuous.

36. There shall be no orders as to costs.

MADHU JAIN, J

NAVIN CHAWLA, J.

JANUARY 07, 2026/Av/pb