



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

Reserved on: 02.09.2025
Pronounced on: 10.10.2025

+ **W.P.(C) 13428/2025 & CM APPL. No. 55116/2025**

HIMANSHU YADAV AND ANR.Petitioners
Through: Mr.A.K.Trivedi, Mr.Dhruv
Kothari and Mr.Yash Jangra,
Advs.

versus

A.I.I.M.S & ANR.Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed by the petitioners, challenging the Order dated 29.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 248/2024, titled ***Himanshu Yadav & Anr. v. A.I.I.M.S. & Anr.***, whereby the learned Tribunal dismissed the said O.A., while observing as under:

"13. In view of the above settled position of law, the claim of the applicants is not tenable. It is not the case of the applicants that issuance of OBC-NCL certificate was delayed at the behest of the competent authority or they



have been discriminated qua similarly situated candidates who were offered appointment on the said post on the basis of the certificates issued after the cut-off date. Thus, we find no infirmity or illegality in the impugned order dated 13.01.2024 passed by the respondents.”

FACTS OF THE CASE

2. In succinct, the background of the case is that the respondents, *vide* recruitment notification dated 14.11.2022, invited applications for various posts, including 35 posts of Security cum Fire Guard Grade-II (13 UR, 3 EWS, 4 SC, 3 ST and 12 OBC). The petitioners applied for the said post under the OBC category. The written examination was conducted on 27.03.2023, and the result thereof was declared *vide* Notification dated 01.12.2023, wherein the petitioner no.1 secured 94.333 marks (rank 32), and the petitioner no.2 secured 94.000 marks (rank 33), and their names were included in the panel for the OBC-NCL category.

3. As per the terms of the recruitment notification dated 14.11.2022, the criteria/conditions for candidates who wished to apply under reserved category OBC-NCL, was as follows:

“11. Candidates applying under any of the reserved category viz. SC/ST/OBC will be considered subject to submission of valid Caste certificate on a prescribed format issued by the competent authority. The vacancies are being advertised in financial year 2022-2023, therefore, valid NCL-OBC certificate issued before or after this period (i.e. 1.4.2022 to 31.3.2023), will not be considered valid for this advertisement. Candidates applying under



OBC category must produce the valid caste certificate in the format provided by the DoP&T vide O.M. No. 36036/2/2013-Estt. (Res) dated 30.05.2014 and further clarification issued by DoP&T OM No. 36036/2/2013-Estt(Res-I) dated 31.03.2016..."

4. It is the case of the petitioners that the petitioner no.1 was in possession of an OBC-NCL certificate dated 14.06.2017 and another certificate dated 05.12.2023 for the financial year 2022-23, while the petitioner no.2 was in possession of OBC certificates dated 02.12.2016 and 19.07.2023 valid for the financial year 2022-23.

5. The respondents, *vide* Office Order dated 13.01.2024, issued the offer of appointment to the post of Security Cum Fire Guard Grade-II at the AIIMS, New Delhi to all selected candidates. As an offer of appointment was not issued to the petitioners, they approached the respondents, and on inquiry were informed by the concerned authority of the respondents that as their OBC-NCL category certificates had been issued after the stipulated date of 31.03.2023, their candidature had been cancelled.

6. Aggrieved thereby, the petitioners approached the learned Tribunal by filing the aforementioned O.A., assailing the Office Order dated 13.01.2024 passed by the respondents.

7. Placing reliance on the judgement of Supreme Court in ***Sakshi Arha v. Rajasthan High Court & Ors.***, 2025 SCC OnLine SC 757, the learned Tribunal, *vide* the Impugned Order, dismissed the O.A. filed by the petitioners, with the above-quoted observations.



Aggrieved of the same, the petitioners have filed the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

8. The learned counsel for the petitioners submitted that the learned Tribunal failed to consider that the petitioners had a valid OBC-NCL category certificate. He further submitted that as far as the petitioner no.1 is concerned, his first OBC-NCL category certificate was issued on 14.06.2017, followed by another issued on 05.12.2023 for the financial year 2022-23. He submitted that the competent authority, in the said certificates, has explicitly stated that *“This certificate is valid for the financial year 2022-23”*. With regards to the petitioner no.2, he submitted that his first OBC-NCL category certificate was issued on 02.12.2016, followed by another, which had been issued on 19.07.2023 for the financial year 2022-23, and the said certificate also stated that *“This certificate is valid for the financial year 2022-23”*.

9. The learned counsel for the petitioners submitted that the petitioners were in possession of previous OBC-NCL certificates, therefore, as such, their status as OBC-NCL was not disputed. He submitted that the petitioners are entitled to be considered for appointment under the OBC-NCL category by virtue of their status as belonging to such category, which is by birth. He submitted that, therefore, the action of the respondents in rejecting the candidature of the petitioners, solely on the ground of the certificate issuance date is



arbitrary.

10. He further submitted that the learned Tribunal had erred in placing reliance upon the Judgments passed by the various High Courts and the Supreme Court, and in applying the ratio laid down by the Supreme Court in the case of ***Sakshi Arha***(supra).

11. He submitted that the case of the petitioners is squarely covered by the Judgment of the Supreme Court in ***Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board & Anr.***, 2016 OnLine SC 184, and therefore, the petitioners should have been given an opportunity to produce the said OBC-NCL category certificate even after the cut-off date.

12. He further submitted that the High Court of Kerala, by its Order dated 21.07.2016 passed in WA No. 655/2016 in W.P. (C) 39210/2015, titled ***Union Of India & Ors. v. Abdul Rasheed***, held that the candidature of a candidate cannot be rejected on the ground of the caste certificate being issued after the cut-off date. He further submitted that the aforesaid judgment of the High Court of Kerala has been upheld by the Supreme Court by Order dated 23.01.2017 passed in Special Leave Petition (Civil) No.1531/2017.

ANALYSIS AND FINDINGS

13. We have considered the submissions made by the learned counsel for the petitioners and perused the record.

14. None has appeared on behalf of the respondents.

15. From the above, the issue that arises for consideration is



whether the respondents were bound to accept the OBC-NCL certificates submitted by the petitioners, which were issued either before the stipulated period or after the cut-off date stipulated by the Advertisement.

16. Upon perusal of the record, it becomes evident that the petitioner no.1 was in possession of OBC-NCL certificates issued on 14.06.2017 and 05.12.2023, while the petitioner No.2 was having certificates dated 02.12.2016 and 19.07.2023. The Advertisement, however, specifically mandated that only certificates issued within the financial year 2022-23, that is, between 01.04.2022 to 31.03.2023, would be considered valid. The certificates relied upon by the petitioners were admittedly not issued between the given dates.

17. In *Sakshi Arha*(supra), the Supreme Court, on the issue of validity of category certificates issued beyond the prescribed dates, has held as under:

“32. The well-read legal minds, as the Appellants before us, cannot certainly, escape from the clutches of the principle laid down through the Latin maxim of “ignorantia juris non excusat”, which translates in literal English to “ignorance of the law is no excuse”. The Advertisement certainly required them to produce a valid certificate to their claim as per rules and instructions, and in the prescribed format.

33. The relevant law, rules and instructions, as reproduced and referred earlier, clearly indicate that a certificate of a claim, as put forth by the Appellants herein, is valid for a period of one year from the date of issuance,



and subsequently, extendable up to three years, provided, an affidavit to the said effect is also produced along with the originally issued certificate.

34. Moreover, the decisions of this Court have cleared the air of any doubt that the claim made by a candidate while filling his or her application as per the concerned advertisement are to hold good as on the date of his or her application or as per the last date of submission of applications prescribed by the concerned advertisement.

35. It is true that, the Advertisement, in itself, did not clearly mention the date with regard to issuance of category certificate, and that it came from the Subsequent Notice which ascertained a cut-off date for acceptable certificates.

36. The Subsequent Notice, which was issued by the Rajasthan High Court on 04.08.2022, cannot be said to be arbitrary or without any basis. It specified that the certificate belonging to the concerned reserved category should have been issued prior or upto 31.08.2021 i.e. the last date of receipt of the application in pursuance to the Advertisement. This was because the Advertisement required a candidate to possess eligibility upto the cut-off date. As regards the specifications regarding a certificate issued between 31.08.2018 and 30.08.2020 along with the affidavit is concerned, this was based on the Government Circulars dated 09.09.2015 and 08.08.2019 (reproduced above) which clarified that the certificate issued will be valid for one year extendable by three years with affidavit. Thus, the Subsequent Notice issued was in consonance with law and as per the Advertisement, applicable Rules, instructions



and circulars issued by the competent authority. The plea of the appellants is unsustainable and deserves to be rejected. No relaxation can be granted in the given facts and circumstances of the case nor can it be claimed as a matter of right in the absence of any such discretionary clause in the Advertisement/Rules/Instructions.”

18. The Supreme Court has thus, laid down clear principles regarding certificate requirements in recruitment processes, emphasizing that category certificates must be valid as per the prescribed timeline mentioned in the advertisement. The Court also made it clear that mere possession of earlier certificates does not establish eligibility if the current certificate requirements are not met within the stipulated timeframe.

19. The same has been reiterated in a recent decision by the Supreme Court in the case of ***Mohit Kumar v. State of Uttar Pradesh***, 2025 SCC OnLine SC 1125. The relevant portion is extracted as under:

“14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. In Shrinivas Prasad Shah (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate.



Although there is no such statutory mandate in the facts of the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of aspirants. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.

15. The proposition of law as settled by the above decision does not appear to have been doubted in any subsequent decision and we do hereby endorse the same.

16. Let us now examine whether in the light of the settled law in this behalf, Mohit and Kiran deserve any relief.

17. Clause 5.4(4) of the recruitment notification has been noticed above. It clearly warns what the consequence would be should an aspirant fail to submit the requisite certificate in Format-I. Admittedly, the certificates submitted by Mohit and Kiran do not align with Format-I. Viewed thus, we need not even carry the discussion forward to ascertain whether Mohit and Kiran have been unfairly treated. However, since it has been assiduously argued by Mr. Kaushik that Mohit after all belongs to the OBC category, and Mr. Kumar Gaurav appearing for Kiran has supported him, we consider it proper to deal



with such argument too.

18. Here, the Government of Uttar Pradesh is the appointing authority. The appointments would follow, once UPPRPB makes the necessary recommendations. The entire process of recruitment is regulated by statutory rules. Is it open to an aspirant or group of aspirants, who do not comply with the terms of the recruitment notification, to raise questions once the result(s) of selection is/are not palatable to him/them?

19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground



that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.

20. We are conscious of what this Court observed in paragraphs 15 to 19 of its decision in Meeta Sahai v. State of Bihar²⁴ under the heading 'Preliminary Issues'. If the procedure followed by the selecting (2019) 20 SCC 17 body/appointing authority is such that the same is in breach of constitutional safeguards, an aspirant's challenge to the procedure may not be nipped in the bud only on the ground that he has participated in the process. We also read the decision as recognizing that it may not always be possible for an aspirant to foresee any illegality in the procedure followed, till such time the select list is published. In all such cases where the illegality could not have been foreseen, a challenge to the procedure cannot be spurned on the specious ground that the aspirant having participated in the process, he has forfeited his right.

21. Be that as it may, clause 5.4(4) with which we are concerned is far from ambiguous. It is absolutely clear what UPPRPB required and



what would be the consequence of non-adherence. In the wake of such requirement, no aspirant could possibly have any iota of doubt as to the format in which the certificate was to be issued. Even if Mohit and Kiran had doubts as to whether the certificates that they had would suffice, nothing prevented them from seeking such clarification and, at the same time, approach the concerned tehsildars to issue certificates in the requisite format. It has not been shown that obtaining a second certificate in the format required by the State Government was barred by any law. Having regard thereto, both Mohit and Kiran cannot take shelter under the plea that insistence on the part of UPPRPB of certificates issued in the requisite format is a mere formality which could have been dispensed with since they had certificates issued in the other format.”

20. So far as the reliance of the learned counsel for the petitioners on the Judgment of **Ram Kumar Girjoya** (supra) is concerned, we do not find merit in the contention of the learned counsel. The facts in the said case were distinct, inasmuch as, the delay in the issuance of the certificate was attributable to the competent authority. In the present case, however, there is no such allegation that the delay in obtaining fresh certificates was caused by any act or omission of the respondents.

21. In view of the above, it is clear that the Advertisement unambiguously stipulates that only valid NCL-OBC category certificates, issued within the period from 01.04.2022 to 31.03.2023, shall be considered valid. Any certificate issued either before or after this period shall not be deemed valid. The petitioners have failed to



meet the specific certificate requirements as outlined in the Advertisement, thereby failing to establish their eligibility. As held by the Supreme Court in *Sakshi Arha* (supra), a valid certificate must be obtained within the prescribed time frame.

22. In view of the above, as the certificates in possession of the petitioners were issued either prior to or after the prescribed dates, the candidature of the petitioners was rightly rejected by the respondents and the learned Tribunal.

23. We, therefore, find no infirmity or illegality in the Impugned Order passed by the learned Tribunal, as the same is in line with the law laid down by the Supreme Court.

24. Accordingly, the Order of the learned Tribunal is upheld, and the petition is dismissed.

25. The pending application also stands disposed of.

26. There shall be no order as to costs.

MADHU JAIN, J

NAVIN CHAWLA, J.

OCTOBER 10, 2025/Av/HS/SJ