



2025:DHC:7775-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9253/2020, CM APPL. 29848/2020 & CM APPL.
41450/2022

MOHIT KUMAR & ORS.Petitioners
Through: Ms. Priya Hingorani, Sr. Adv.
with Ms. Gargi Srivastava, Mr. Arpit
Shukla, Ms. Mithali Chuahan, Mr. Naseem
Ahmed and Ms. Vanshika Gupta, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Sushil Kumar Pandey, SPC
for UOI
Mr. Naresh Kaushik, Sr. Adv. with Mr.
Vardhman Kaushik, Adv., Mr. Anand Singh,
Adv. for UPSC

+ W.P.(C) 10338/2020

SHANTI RAMANPetitioner
Through: Mr. Dibyanshu Pandey, Mr.
Radhe Shyam Sharma and Mr. Vinayak
Sameer, Advs.

versus

UNION PUBLIC SERVICE COMMISSION
& ANR.Respondents
Through: Ms. Nidhi Raman, CGSC with
Mr. Akash Mishra, Adv. for UOI
Mr. Ajaypal, AC, CRPF, Insp Athurv, CRPF
and Mr. Ramniwas Yadav, CRPF.

+ W.P.(C) 9254/2020 & CM APPL. 29850/2020

SONU KUMAR & ORS.Petitioners



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Through:

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Gigi C George, SPC with
Mr. Sunil Kumar, Adv. for UOI.
Mr Inderpal CRPF and Mr Ramniwas
Yadav, CRPF

+ W.P.(C) 9255/2020, CM APPL. 29852/2020, CM APPL.
41453/2022, CM APPL. 31157/2024 & CM APPL. 32145/2025

SHUBHAM UTTAKARSH & ORS.Petitioners
Through: Ms. Priya Hingorani, Sr. Adv,
Mr. Avinash Sharma, Ms. Gargi Srivastava,
Mr. Rajesh Pathak, Ms. Vanshika Gupta,
Mr. Mohit Kumar, Ms. Mithali Chuahan,
Mr. Arpit Shukla, Mr. Naseem Ahmed and
Ms. Aaditi Ladda, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Vijay Joshi and Mr.
Shubham Chaturvedi, Advs. for R-1.

+ W.P.(C) 1136/2021 & CM APPL. 22445/2021

DEV PRABHAKER SINGH TOMARPetitioner
Through:

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Aakanksha Kaul, Adv. for
UOI.
Mr. Vinod Sawant, Law Officer, CRPF,
INSP Athurv, CRPF and Mr. Ramniwas
Yadav, CRPF.



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+ W.P.(C) 11859/2021 & CM APPL. 36701/2021

MANOJ KUMAR

.....Petitioner

Through:

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rajesh Kumar, SPC with
Mr. Yash Narain, Adv. for UOI.

Mr. Vinod Sawant, Law Officer, CRPF,
INSP Athurv, CRPF and Mr. Ramniwas
Yadav, CRPF.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

03.09.2025

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C. HARI SHANKAR, J.

1. This is a batch of six writ petitions. There has been no representation, before us, of the petitioners in WP (C) 9254/2020, WP (C) 11859/2021 and WP (C) 1136/2021. As the issues in these writ petitions are cognate, however, we propose to dispose of all the writ petitions by this common judgment, expounding what, in our view, are the principles that apply.

2. Of the petitioners in the remaining three writ petitions, Ms. Priya Hingorani, learned Senior Counsel appears for Petitioner 1 in WP (C) 9253/2020 Mohit Kumar¹ and Petitioner 4 in WP (C)

¹ "Mohit" hereinafter



9255/2020 Ritesh Ojha², Mr. Avinash appears for Petitioner 10 in WP (C) 9255/2020 Amit Turan³ and Mr. Dibyanshu Pandey appears for the petitioner Shanti Raman⁴ in WP (C) 10338/2020.

3. The issues in controversy are limited.

4. The petitioners in these writ petitions participated in a selection process for recruitment to the post of Assistant Commandant in the Central Armed Police Forces⁵, via the CAPF (AC) Examination 2019, pursuant to an advertisement issued by the Union Public Service Commission⁶ on 24 April 2019.

5. The petitioners had applied for being considered as candidates belonging to Economically Weaker Section⁷. The UPSC has rejected their claim to be considered as EWS candidates and has considered them as General Category candidates. Inasmuch as none of the petitioners make the grade as General Category candidates, their prayer in these writ petitions is that their entitlement has to be considered as EWS candidates.

6. By interim orders passed in these writ petitions, the petitioners were allowed to participate in the selection process, subject to the outcome of the writ petitions.

² "Ritesh" hereinafter

³ "Amit" hereinafter

⁴ "Shanti" hereinafter

⁵ "CAPFs" hereinafter

⁶ UPSC

⁷ EWS



7. The notification issued by the UPSC required the candidates to furnish the income and assets certificate⁸, in support of their EWS status, for the year 2018-2019.

8. The petitioners fall in three categories.

9. Re. Mohit, Ritesh and Amit

9.1 In the case of Mohit and Ritesh, the authority issuing the IAC (the Tehsildar in the case of Mohit and the Anchal Adhikari in the case of Ritesh) erroneously issued the IAC for the year 2019-2020. The UPSC addressed an email to Ritesh, pointing out that the IAC submitted by him reflected the incorrect year 2019-2020 and requiring him to obtain and submit a rectified IAC. No such email was, however, addressed to Mohit. Both Mohit and Ritesh, however, applied to the authorities that had issued the IAC and procured rectified IACs reflecting the correct financial year 2018-19. These IACs were emailed to the UPSC as soon as it was obtained.

9.2 On these facts, there is no dispute.

9.3 In the case of Ritesh, the UPSC raised a second objection which was to the effect that the Anchal Adhikari was not competent to issue the IAC. In this context, Ms. Hingorani relies on a clarification issued under the Right to Information Act, 2005 albeit in respect of another candidate Sumit Arya, to the effect that the Anchal Adhikari was the competent authority for issuance of the IAC in Bihar, as there are no

⁸ "IAC" hereinafter



post of Tehsildar in the Bihar Revenue Department.

9.4 On these facts, too, there is no dispute.

9.5 In the case of Amit, the IAC reflected the correct financial year 2018-2019. However, the UPSC objected to the IAC on the ground that it had been issued by the Naib Tehsildar, who was not the competent authority.

9.6 Amit, thereupon, obtained a IAC dated 25 July 2019 from the Tehsildar, certifying his income and assets for the financial year 2018-19. Accompanying the said IAC was the original IAC issued by the Naib Tehsildar with an endorsement, by the Tehsildar, which read thus:

“It is certified that the certificate with serial number dated 25 July 2019 has been issued from Tehsil, Panipat.”

Side by side, as already noted, the Tehsildar also certified the petitioner’s income and assets for the financial year 2018-19.

9.7 On these facts, too, there is no dispute.

9.8 Among Mr. Mohit Kumar, Mr. Ritesh Ojha and Mr. Amit Turan, therefore, the issues which arise are:

- (i) whether the IAC which originally reflected the wrong financial year 2019-2020, though actually pertaining to the year 2018-2019 could be cited as a ground to disqualify them, given the fact that they had applied and obtained rectified certificates reflecting the correct financial year 2018-2019, and



(ii) whether Ritesh and Amit could be disqualified on the ground that their IACs had not been issued by the competent authority.

9.9 Submissions of Ms. Hingorani and Mr. Avinash

9.9.1 Ms. Hingorani, learned Senior Counsel appearing for Mohit and Ritesh, submits as under:

(i) The IAC which had been uploaded by the petitioner along with the application before the cut off date, was actually pertaining to the Financial Year 2018-2019. The reference, in the IAC to the year 2019-2020 was an error on the part of the Tehsildar who issued the IAC. On coming to know this fact, Mohit had applied to the office of Tehsildar for rectification of the certificate on 21 October 2020. The rectified certificate was issued by the Tehsildar on 26 October 2020 and forwarded to the UPSC by speed post and e-mail immediately. In these circumstances, the UPSC erred in rejecting Mohit's EWS candidature and treating him as a General category candidate.

(ii) Apropos Ritesh, Ms. Hingorani contends that the aforesaid submissions would apply, *mutatis mutandis*.

(iii) Additionally, she points out that the UPSC had itself written to Ritesh on 20 October 2020, pointing out that there was an error in the reference to the Financial Year in the IAC



submitted by him and calling upon him to obtain a corrected certificate.

(iv) In that view of the matter, she submits that, once a corrected IAC had been obtained and forwarded to the UPSC, the UPSC could not have cancelled the candidature of Ritesh.

(v) With respect to the objection by UPSC that the Anchal Adhikari was not a competent authority to issue the IAC, Ms. Hingorani relies on the RTI clarification issued to Sumit Arya, in which it was specifically clarified by the authorities that, in Bihar Government, the Anchal Adhikari was the authority competent to issue the IAC and that there was, in fact, no Tehsildar in the Revenue Department in Bihar. As such, she submits that the objection of the UPSC to the effect that the IAC had been issued by an incompetent authority is without substance.

9.9.2 Ms. Hingorani also relies on the fact that in the matter of another candidate, namely Shubham Parihar, who had submitted an EWS certificate reflecting the erroneous year 2019-2020, the candidate had submitted a rectified certificate with the correct year 2018-2019, consequent to an email being issued by the UPSC for that purpose and was permitted to participate in the selection and was in fact appointed. She points out that this Court had in fact called upon the respondents to produce the record of Shubham Parihar and also to file an affidavit explaining how his case was different from the case of the petitioner.



9.9.3 Mr. Avinash, learned Counsel appearing for Amit, was only required to address the question of the competence of the authority who had issued the IAC, as the IAC submitted by Amit was pertaining to the correct Financial Year 2018-19.

9.9.4 Mr. Avinash points out that the Tehsildar had himself issued a parallel IAC on 25 July 2019, certifying the income and assets of Amit for the year 2018-19 and had also ratified the IAC issued by the Naib Tehsildar by the endorsement reproduced in para 9.6 *supra*.

9.9.5 Mr. Avinash further relies on an Office Memorandum⁹ dated 31 January 2019 issued by the Department of Personnel and Training from which he cites para 5.1 and 5.4:

“5.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. The Income and Asset Certificate issued 'by any one of the following authorities in the prescribed format as given in Annexure-I shall only be accepted as proof of candidate's claim as 'belonging to EWS: -

(i) District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/Additional Deputy Commissioner/ 1st Class Stipendary Magistrate/ Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner.

(ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate

(iii) Revenue Officer not below the rank of Tehsildar and

(iii) Sub-Divisional Officer or the area where the candidate and/or his family normally resides.”

⁹ “OM” hereinafter



“5.4 The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause:-

“The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate.”

9.9.6 Mr. Avinash further relies on a notification issued by the Chief Secretary, Government of Haryana on 7 December 2023, the relevant paragraph of which reads thus:

“No. 22/227/2023-3HR III
HARYANA GOVERNMENT
Human Resources Department
(Human Resources-III Branch)

From

Chief Secretary to Government Haryana

To

1. Secretary, Department of Personnel and Training,
Government of India, New Delhi.
2. Secretary, Union Public Service Commission,
Government of India, New Delhi.

Dated, Chandigarh the 07th December, 2023.

Subject: To consider the candidature as valid under EWS Category on the basis of EWS Certificate issued by Naib Tehsildar Reference on the subject cited above.

2. In view of the 103rd amendment in Articles 15 and 16 of Constitution of India, the State Government has provided reservation for Economically Weaker Sections (EWS) in direct recruitment in Civil posts and Services as well as in admissions in



Government/Government Aided Educational Institutions in the State of Haryana vide instructions No. 22/12/2019-IGSIII dated 25th February, 2019 and authorised the Tehsildar of the area, where the applicant normally resides, to issue EWS Certificate in terms of Para 5 .1 of the said instructions dated 25th February, 2019.” In some areas the work of the authority to issue the Certificate (like many other tasks as registration of property deeds, etc.) is carried out by the Naib Tehsildar who have been so authorised. In those cases, the EWS Certificate and Income Certificate have been issued by the Naib Tehsildar of the area where the applicant normally resides.”

9.9.7 Additionally, Mr. Avinash has placed reliance on paras 79, 87 and 88 of the judgment of Supreme Court in *Divya v UOI*¹⁰ which, to the extent relevant, read thus:

“79. Insofar as Petitioner 4 Priyanshu Raj is concerned, his candidature was also cancelled by an email of 24-5-2023 since the FY mentioned was 2019-2020. In the DAF he had uploaded the certificate dated 19-10-2020 which in the heading mentioned that it was valid for the year 2020-2021 but in the body it was mentioned FY 2019-2020. According to the petitioner, he was asked to make up the deficiencies on the date of the Personality Test. He says that a certificate of 16-10-2021 for 2020-2021 was submitted on the date of the Personality Test. However, the same was not considered by UPSC.

87. Shri K. Parmeshwar, learned counsel, argued that with regard to four other candidates there has been relaxation inasmuch as they were allowed to rectify the defects in the EWS and I&AC. We asked UPSC to respond and the response is extracted hereinbelow:

S.No	Roll No.	Name, Allocated, Service under EWS	Rank under	Remarks

3	834939	Sonam, 237, IAS		Her I&AC was signed by the Naib Tahsildar and issued by the Sewa

¹⁰ 2024 1 SCC 448



			Kendra of the DC Office, who is the superior authority.
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88. It will be noticed that UPSC has considered these omissions as trivial and as not going to the root of the eligibility, unlike in the case of the petitioners herein.”

9.9.8 Thus, Mr. Avinash submits that, apart from the fact that the Naib Tehsildar was acting as the competent authority for issuing the certificate in the Government of Bihar at the appropriate stage, the certificate of the Naib Tehsildar further stood ratified by the Tehsildar who had himself issued a parallel certificate. He submits that, in these facts, and in view of the DoPT OM dated 31 January 2019 and the Notification dated 7 December 2023 issued by the Chief Secretary, Government of Haryana, the petitioner’s candidature would not have been cancelled on the ground that the authority issuing the certificate was incompetent. Besides, he submits that para 88 of *Divya* indicates that the UPSC has, in the case of Sonam, treated a similar discrepancy as trivial. He submits that the petitioner cannot be singled out for different treatment.

10. Re. Shanti

10.1 The case of Shanti, the petitioner in WP (C) 10388/2020, is on an altogether different footing. In her case, the IAC was issued by the competent authority and was for the correct financial year, i.e. 2018-2019. However, it was issued by the Tehsildar only on 14 August 2019, and was e-mailed to the UPSC only on 6 September 2019, after the cut-off date of 1 August 2019 by which date the IAC was required to be uploaded. Ergo, her candidature was rejected by the UPSC.



10.2 Submissions of Mr. Dibyanshu Pandey

10.2.1 The submission of Mr. Dibyanshu Pandey, learned Counsel for Shanti, is that there were several administrative hurdles which Shanti faced in obtaining the IAC, which was a requirement introduced for the first time, and that, owing to these hurdles, though Shanti had applied for obtaining the IAC on 13 March 2019, even prior to the issuance of the advertisement by the UPSC, owing to circumstances beyond her control, the IAC was issued only after the cut-off date of 1 August 2019, and was uploaded soon thereafter. In these circumstances, it is sought to be contended that the candidature of petitioner Shanti ought not to have been cancelled. He has placed reliance on the judgment of the Supreme Court in *UPSC v Saumya Pandey*¹¹.

10.3 Submissions of Mr. Naresh Kaushik

10.3.1 Responding to the submissions of learned Counsel for the petitioners, Mr. Naresh Kaushik, learned Senior Counsel for the UPSC places exhaustive reliance on the judgment of the Supreme Court in *UPSC v Gaurav Singh*¹². He submits that nearly all the issues raised in these writ petitions stand answered by the aforesaid judgment, which clearly holds that the candidate uploading the certificate is required to be vigilant about the issue of whether all the details in the certificates, including the year for which it is issued, are correctly mentioned. He submits that a candidate whose certificate did not conform to the requirement of advertisement could not, by submitting

¹¹ Order dated 7 March 2024 in SPL(Civil) 441-445/2021

¹² (2024) 2 SCC 605



a rectified certificate at a later stage, claim entitlement to be considered for selection. The passages from *Gaurav Singh*, on which Mr. Naresh Kaushik places reliance, may be reproduced thus:

“18. A technical irregularity in a certificate issued by the competent authority in respect of the correct financial year cannot be equated with an Income and Asset Certificate in respect of a different financial year when the income and assets for the particular financial year prior to the year of submission of the application, goes to the root of eligibility of a candidate to qualify in the EWS category.

19. The respondent-writ petitioners were well aware that they had to furnish the Income and Asset Certificates issued by the competent authority for the financial year prior to the year of application. If the applications were made pursuant to a Notification published on 24-4-2019 with 20-5-2019 notified as the last date for submission of the applications, the financial year prior to the year of submission of application could not possibly be the Financial Year 2019-2020, to which the certificates related. The observation in the impugned judgment and order of the High Court of the expediency of specifying the financial year in the notification for recruitment is in the nature of an advisory, which may be kept in mind when recruitment notifications are issued by the appellant in future. Respondent-Writ Petitioners 2 and 4, whose Income and Asset Certificates were not in order, did not have any legal right to be considered EWS candidates.

20. The respondent-writ petitioners were required to submit certificates for the relevant financial year. The negligence of the respondent-writ petitioners in not checking if the certificate related to the correct financial year, cannot be lightly brushed aside as inadvertent lapses of the certifying authority. A candidate applying for a post pursuant to an advertisement, cannot afford to be negligent. Documents required to be submitted have to be carefully checked by the candidate concerned before submission. An appointing authority proceeds on the basis of what is stated in a certificate. When a certificate pertains to a different financial year, the same is liable to be outright rejected. No candidate can, in such case, claim any legal right to reconsideration of his/her candidature by submission of a fresh certificate and/or rectified certificate.

21. Where appointments are made to a large number of vacancies from amongst lakhs of candidates and there are errors which go to the root of eligibility, the courts ought not to interfere,



particularly in an age of computerisation where documents are scanned, compared, classified and stored electronically. It may be pertinent to note that certificates are necessarily issued on the basis of the data furnished by the applicant after enquiry. The appointing authority could not have proceeded on the presumption of an inadvertent error in the certificates. The possibility that the Income and Assets Certificates might have reflected income for a part of the financial year mentioned in the certificate could not have been ruled out.”

10.3.2 Mr. Kaushik further submits that, even if a rectified certificate were to be submitted at a later stage, it would not relate back to the date when the original certificate was issued and relies, for the said purpose, on paras 17 to 19 and 24 of the judgment of a Division Bench of this Court in *Sarjeet Singh v UOI*¹³:

“17. The plea of the learned counsel for the petitioner is that the Tehsildar had on July 13, 2023, ratified the certificate dated April 22, 2022, issued by the Naib Tehsildar. On such ratification, the certificate becomes valid from the date of issuance i.e., April 22, 2022.

18. We are unable to accept the plea of ratification advanced by the counsel for the petitioner for the simple reason that the Tehsildar does not say so that, he has ratified the contents of the certificate dated April 22, 2022. Such a declaration is necessary to ratify any act which has been done in past.

19. The doctrine of ratification shall not be applicable in the facts of this case, more particularly, when we are concerned with the validity of EWS certificate which was to be issued for a particular financial year, i.e., 2021-2022 but before May 10, 2022. Whereas, the Tehsildar has so-called “*ratified*” the said document only on July 13, 2023.

24. There is no such resolution by the Tehsildar in the case in hand. He has only put his signature at the most it can be construed as a ratification of the certificate and not ratification, but the same was in the year 2023.”

¹³ 2024 SCC OnLine Del 3797



10.3.3 Apropos the decision in *Saumya Pandey*, Mr. Kaushik submits that the Supreme Court has itself noted in the said order that it was not to be treated as a precedent.

10.3.4 Mr. Kaushik further submits that, in the case of Shubham Parihar, an inadvertent error had been committed. He relies on the decision in *Chaman Lal v State of Punjab*¹⁴ to submit that Articles 14 and 16 do not envisage negative equality or extension of an erroneous benefit granted to one person, to others, in violation of the notification issued by DOPT.

Analysis

11. Having heard learned Counsel for the parties and applied ourselves to the relevant facts of the law in that regard, we are of the opinion that, while clients of Ms. Hingorani and Mr. Avinash are entitled to succeed in these writ petitions no relief can be granted to Mr. Dibyanshu Pandey's client.

12. Re. mention of erroneous year

12.1 Mr. Kaushik is correct in his submission that the judgment of the Supreme Court in *Gaurav Singh* is of considerable utility in deciding these matters. The Supreme Court was, in that case, concerned with an issue which is somewhat similar to that which arises in the cases of Mohit Kumar and Ritesh Ojha. In that case, too, the IAC uploaded by the candidates reflected the wrong year 2019-

¹⁴ (2014) 15 SCC 715



2020 instead of the year 2018-2019. The candidates had applied to the concerned authorities and obtained rectified certificates, reflecting the correct year. The Supreme Court has addressed this issue, in para 20 of the report in the said case.

12.2 The crucial, and determinative difference between the cases of Mohit and Ritesh, as compared to the case of Gaurav Singh, in our view, is the fact that *the UPSC had itself issued an e-mail to Ritesh Ojha, calling upon him to submit the rectified certificate reflecting the correct financial year. It is true that, no such e-mail was issued to Mohit Kumar, but that cannot be the basis for a differential treatment being meted out to him. Clearly, the UPSC could not selectively have communicated with some candidates calling on them to rectify their IACs and not communicated similarly with others, which is what appears to have happened in the present case. Once the UPSC called on the candidates to submit rectified IACs, those candidates who did so were entitled, in law, to have their entitlement to EWS candidature considered on the basis of the rectified IACs. If the rectified IACs were in order, they were entitled to be treated as EWS candidates.*

12.3 A reading of para 20 of **Gaurav Singh** reveals that one of the considerations which had weighed with the Supreme Court was the fact *that the UPSC was acting on the basis of the declarations contained in the IACs originally uploaded by the candidates.* In the present case, it is clear that the UPSC had a second look at the IACs and had in fact notified the candidates in whose IACs the wrong year was mentioned. Once the candidates had been invited to submit rectified IACs, and they actually obtained rectified IACs and



submitted them, the UPSC was clearly estopped from disqualifying the candidates on the ground that their IACs were defective.

12.4 It is not the case of the UPSC that the rectified IACs of Mohit, or Ritesh, was defective, or unacceptable for any other reason.

13. Re. competence of authority issuing the IAC

13.1 Insofar as the aspect of the competence of the authority issuing the IAC, in the case of Ritesh and Amit is concerned, we are equally of the opinion that the UPSC was in error in rejecting their candidature.

13.2 *Gaurav Singh* does not address this issue, as it does not deal with any reservation, on the part of the UPSC, with respect to the competence of the authority who had issued the IAC.

13.3 In the case of Ritesh Ojha, the Government of Bihar has itself clarified in an application under the RTI Act, albeit at the instance of another candidate Sumit Arya that, in Bihar, there was no post of Tehsildar and that the authority issuing the IAC was the Anchal Adhikari. In that view of the matter, it cannot be said that the IAC was issued by an incompetent authority.

13.4 In the case of Amit, as Mr. Avinash correctly points out, the Chief Secretary of Govt. of Haryana had himself, in his notification dated 7 December 2023, noted the fact that, in various areas of State of Haryana, the work of the Tehsildar, insofar as it pertained to



issuance of the IAC, was being carried out by the Naib Tehsildar. This is clearly what had happened in the case of Amit.

13.5 This is further manifest from the fact that, the Tehsildar, in his certificate dated 25 July 2019, has also ratified the IAC issued by the Naib Tehsildar. This ratification would apply retrospectively, even in view of what has been said in para 18 of *Sarjeet Singh* which, therefore, holds in favour of Amit, rather than against him, as Mr. Avinash correctly points out.

13.6 We also find force in the reliance, by Mr. Avinash, on the DOPT OM dated 31 January 2019, which requires the appointing authority to verify the veracity of the IAC submitted by the candidate through the certificate issuing authority. Where, therefore, the Tehsildar has issued an identical certificate, and also certified the IAC which was issued by the Naib Tehsildar as having been issued from the Tehsil office, we fail to see what misgivings could continue to be harboured by the UPSC, regarding the IAC.

13.7 A similar situation had arisen before the Supreme Court in *Divya*, as is reflected from paras 87 and 88 of the report in that case, reproduced *supra*, in the case of Sonam. In that case, too, though the IAC was issued by the Naib Tehsildar, it was issued by the Seva Kendra of the DC Office and the UPSC had treated the fact that the certificate was actually issued by the Naib Tehsildar as, in the circumstances, trivial.

13.8 We, therefore, agree with Mr. Avinash that, as the IAC was



issued by the Naib Tehsildar in the Tehsil office and was later ratified by the Tehsildar himself who issued a parallel certificate for the same financial year, the UPSC could not have cancelled the candidature of Amit.

14. Re. Shanti

14.1 We regret, however, that we are not able to provide any succour in the case of Shanti. The advertisement in the present case was issued more than four months prior to the cut-off date. It is not, therefore, as though the candidates had insufficient time to obtain the IACs. The only submission advanced by Mr. Dibyanshu Pandey is that his client had commenced efforts towards obtaining the requisite IAC on 13 March 2019, which was even before the advertisement was issued.

14.2 Be that as it may, the unfortunate fact remains that the IAC was issued on 14 August 2019 and was uploaded to the UPSC only on 6 September 2019. In such circumstances, we cannot come to the aid of the petitioner.

14.3 We are in agreement with Mr. Kaushik that the cut-off date of 1 August 2019 cannot be completely disregarded. It is not as though a candidate did not have sufficient time to apply for the EWS certificate prior to the cut-off date. It is true that Shanti Raman may not be responsible for the certificate having been issued only on 14 August 2019. Once the UPSC had provided sufficient time to obtain the IACs, that is an unfortunate circumstance for which we can provide no



aid.

14.4 Perhaps, it may have been open to Shanti, on finding that cut-off date was nearing, to take steps to try and obtain the IAC prior thereto. Recourse to judicial remedies may also have been an available course of action. Shanti, however, allowed the cut-off date to pass and waited till 14 August 2019 for the IAC to be issued. In the process, the cut-off date of 1 August 2019 passed by.

14.5 We cannot lend our imprimatur to an absolute proposition that the cut-off date could be ignored or overlooked merely because the candidate had commenced taking steps to obtain the IAC before the advertisement was issued. This would create a state of utter anarchy, as the UPSC would have to then examine when each candidate had commenced her, or his, efforts to obtain the IAC. Such a situation cannot be countenanced.

14.6 Insofar as the decision in *Saumya Pandey* is concerned, the Supreme Court has itself clarified that the decision is not to be treated as a precedent and has gone ahead to further clarify that the UPSC was entitled to insist on adherence to its cut-off date in future case.

Conclusion

15. In view of the aforesaid discussion, the writ petitions filed by Mohit Kumar, Ritesh Ojha and Amit Turan succeed and are allowed. The decision to cancel their candidature is quashed and set aside.



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16. They have already participated in the selection process pursuant to the interim order passed by this Court. Their candidature would be processed further and if they are found fit for appointment, appropriate steps would be taken in that regard.

17. However, WP (C) 10338/2020 filed by Ms. Shanti Raman is dismissed.

18. Our judgment would apply, *mutatis mutandis*, to the other petitioners in these petitions, depending on the individual facts and circumstances.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 3, 2025

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