



2025:DHC:6740-DB



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

+ W.P.(C) 9701/2025

SARWAN KUMAR & ORS.Petitioners
Through: Mr. Saaket Jain and Ms.
Shivangi Anand, Advs.

versus

UNION PUBLIC SERVICE COMMISSION
& ORS.Respondents
Through: Mr. Naresh Kaushik, Sr. Adv.
with Mr. Ravinder Agarwal and Mr. Vasu
Agarwal, Advs. for R-1/UPSC

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)
08.08.2025

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CM APPL. 48765/2025

1. This application, at the instance of the Respondent 1-Union Public Service Commission, contains two prayers. The first is for modification of paragraph 8 of the order dated 11 July 2025. The second prayer is for preponement of hearing in the writ petition.

2. As this writ petition is not part heard before this Bench, prayer (b) would not lie before us. If any party desires hearing of the writ petition on a fixed date, it would have to move the appropriate Bench which would hear the case as per Roster. We, therefore, apply



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ourselves only to prayer (a).

3. Prayer (a) seeks a modification of para 8 of the order dated 11 July 2025.

4. The petitioners before this Court in the writ petition are aspirants who seek entry into the Central Armed Police Forces via the CAPF Examination, 2024. They are candidates who belong to Other Backward Classes and do not belong to the creamy layer. As such, they are OBC-NCL candidates.

5. Each of the petitioners is in possession of OBC-NCL certificates issued by the Competent Authority not on one date but on two dates. We have noted this in para 6 of our order, which reads thus: -

- “6. However,
- (i) Petitioner 1 is in possession of OBC-NCL certificates issued on 18 March 2024 and 15 October 2024,
 - (ii) Petitioner 2 is in possession of OBC-NCL certificates issued on 12 April 2023 and 10 October 2024 and
 - (iii) Petitioner 3 is in possession of OBC-NCL certificates issued on 19 February 2024 and 16 October 2024.”

6. The petitioners were aggrieved by the fact that the candidates, in order to be entitled to be treated as OBC candidates not belonging to the creamy layer were required to furnish an OBC-NCL certificate issued between 1 April 2024 and 14 May 2024. Their submission was that it was not within their power to ensure that the certificate was



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issued during this window period and that it was *prima facie* unreasonable for the respondent to insist that only candidates having OBC-NCL certificates issued during the window period of 1 April 2024 and 14 May 2024 would be entitled to be treated as OBC-NCL candidates.

7. We have issued notice in the writ petition and, keeping in mind the fact that the petitioners stand was *prima facie* acceptable as well as the principles of balance of convenience and irreparable loss, directed that they be permitted to participate in the selection and, if selected, to be appointed subject to the outcome of the writ petition.

8. The UPSC seeks review/modification of this direction.

9. We have heard Mr. Naresh Kaushik, learned Senior Counsel for the UPSC.

10. Mr. Kaushik advances various submissions, none of which, in our view, have substance, or make out any case for modification of para 8 of the order passed by us.

11. Mr. Kaushik's first submission is that everyone who participated in the examination was aware of the date when the examination was to be held, and of the requirement of procuring an OBC-NCL certificate issued during the aforesaid window period between 1 April 2024 and 14 May 2024. He submits that, out of 500



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candidates who participated, 458 have procured the said certificate. He further submits that the window period had to be fixed because of necessity and that there are various judicial decisions which uphold the sanctity of cut-off dates. He further submits that the petitioners had misrepresented that they were holding valid OBC certificates.

12. None of these submission have any force.

13. In the first place, the issue is not as to whether 458, or any number of candidates possessed OBC-NCL certificates issued during the aforesaid window period. We feel, *prima facie*, that fixing such a window period of 1 April 2024 to 14 May 2024 and not permitting candidates who possessed valid certificates, albeit not issued during the said window period, to participate in the selection was unreasonable. A candidate who possesses an OBC-NCL certificate issued prior to or after the said window period cannot be treated differently from a candidate whose certificate was issued during the aforesaid window period. It might have been otherwise, if the case of the UPSC was that the OBC-NCL certificates held by the petitioners were fake or were not worthy of credibility. No such submission is made. *Prima facie*, in our view the OBC-NCL certificates possessed by the petitioners cannot be discredited as of no value merely because they were not issued during the aforesaid window period between 1 April 2024 and 14 May 2024.

14. As such, the submission of Mr. Kaushik that everyone who



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participated in the examination was aware of the condition can also not make out a case for us to revisit our order.

15. The issue, therefore, is also not of respecting cut-off dates. The issue is whether it was fair on the part of the respondents to treat candidates who had valid OBC certificates issued either prior to 1 April 2024 or after 14 May 2024, differently from candidates who had OBC-NCL certificates issued during the said period. We reiterate that it is not in the power of the candidate to issue the OBC-NCL certificate or to ensure that it is issued during the aforesaid window period. A candidate cannot be faulted for an action which has to be taken by another statutory authority.

16. We, therefore, in our passing of the order, had not, in our opinion, transgressed the principle that cut-off dates have to be respected.

17. We also find no substance in Mr. Kaushik's submission that the petitioner resorted to any misrepresentation. The petitioners candidly acknowledged, in their writ petition, that the OBC-NCL certificates issued in their favour were not issued during the cut-off period. At no point of time did they seek to mislead this Court. The plea that the petitioners also misrepresented facts is also, therefore, rejected.

18. We would not have entered into a discussion of this length, but for the fact that Mr. Kaushik insisted that we pass orders on the merits



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of this petition.

19. We find no reason to review or modify our order dated 11 July 2025.

20. The modification petition is, accordingly, dismissed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

AUGUST 8, 2025/aky