



2025:DHC:1352-DB



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

+ LPA 127/2025 & CM APPL. 10298/2025

ADITYA KUMAR AND ORSAppellants

Through: Ms. Mrinal Elker Mazumdar,
Adv.

versus

UNION OF INDIA AND ANRRespondents

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

21.02.2025

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C.HARI SHANKAR, J.

LPA 127/2025 & CM APPL. 10298/2025 (Stay)

1. The National Education Society for Tribal Students¹, an autonomous organization established under the Ministry of Tribal Affairs, carries out recruitment for appointment to various posts in Eklavya Model Residential Schools², through the EMRSs Staff Selection Examination³.

2. In 2023, the NESTS released Information Bulletins and

¹ "NESTS" hereinafter

² "EMRSs" hereinafter

³ "ESSE" hereinafter



Guidelines with regard to the ESSE 2023, for recruitment to the posts of Trained Graduate Teachers⁴, Post-Graduate Teachers⁵ and Trained Graduate Teacher (Physical Education Teacher)⁶ and Male and Female Hostel Wardens.

3. Chapters 3 and 4 of the Information Bulletin released by the NESTS contained “Other Instructions” and “Eligibility Criteria and Qualifications”. In respect of TGTs and Hostel Wardens, and PGTs and all other posts, under the head “Other Instructions”, Chapter 3 provided thus:

For TGTs and Hostel Wardens

“f. The cut-off date for determining various eligibility criteria (Educational Qualifications, age limit etc.) will be 18/08/2023. Before applying, applicants must satisfy themselves about their eligibility as on 18/08/2023.”

For PGTs and all other posts

“f. The cut-off date for determining various eligibility criteria (Educational Qualifications, age limit etc.) will be 31st July 2023. Before applying, applicants must satisfy themselves about their eligibility as on 31st July 2023.”

4. Chapter 4 of the Information Bulletin required candidates, aspiring to undertake the ESSE 2023, to submit their forms online, till 11.50 p.m. on 18 August 2023 for the posts of TGTs and Hostel Wardens, and till 11.50 p.m. on 31 July 2023 for all other posts, including PGT.

⁴ “TGTs” hereinafter

⁵ “PGTs” hereinafter

⁶ “TGT (PET) hereinafter



5. The following note was also to be found in Chapter 4:

- “• Those applying in response to ESSE-2023 advertisement should satisfy themselves regarding their eligibility for the post applied for.
- The candidate must have certificate of minimum required qualification at the time of submission of application.”

6. Admittedly, there was no stipulation, in Chapter 3 or Chapter 4 or anywhere else in the Information Bulletins or any other documents relevant to the ESSE 2023, stating that the cut-off date for determining eligibility, or by which date the aspiring candidates were required to be in possession of the requisite educational qualifications, would always coincide with the last date for submitting applications. It is this unjustified presumption that has stood in the way of the appellants succeeding in the writ petition instituted by them, and is also the reason why the present appeal must necessarily fail.

7. Reverting to the facts, the last date for submitting applications, as stipulated in Chapter 4 of the Information Bulletin, originally fixed as 18 August 2023 for the posts of TGT and Hostel Wardens and 31 July 2023 for PGTs all other posts, was extended in both cases. For aspirants to the posts of PGT, the last date for submitting application forms was extended first till 18 August 2023 and thereafter till 19 October 2023, and for aspirants to the post of TGT, the last date for submitting application forms was similarly extended to 19 October 2023.

8. Just as there was no stipulation, in the Information Bulletin, to



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the effect that the cut-off date for determining eligibility would always coincide with the last date for submitting the application forms, equally, while extending the last date for submitting application forms, the NESTS did not extend the cut-off date for determining eligibility.

9. In other words, the cut-off date for determining eligibility, by which date the candidates were required to be in possession of the requisite educational qualifications, remained 31 July 2023 for the post of PGT and 18 August 2023 for the posts of TGT and Hostel Wardens.

10. The appellants were all aspirants to various posts, for which they had applied in response to the notice issued by the NESTS for the ESSE 2023.

11. They had all undertaken the qualifying examinations, as envisaged by the Information Bulletins released by the NESTS, for recruitment to the posts to which they aspired, prior to 31 July 2023/18 August 2023. Their results had not, however, been declared by the said date.

12. As already noted, the last date for submission of applications was extended from 31 July 2023 in the case of PGTs and 18 August 2023 in the case of TGTs and Hostel Wardens, to 19 October 2023 in both cases. Between 31 July 2023/18 August 2023 and 19 October 2023, the results of the qualifying examinations which had been



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undertaken by the appellants prior to the said dates were released, so that, by 19 October 2023, they were all in possession of the prescribed requisite educational qualifications for the posts to which they aspired.

13. Armed with the said certificates, the appellants applied, prior to the extended cut-off date of 19 October 2023, for participation in the ESSE 2023.

14. Having thus applied for undertaking the ESSE 2023, some of the appellants also addressed emails to NESTS, requesting that, as the last date for submitting applications stood extended till 19 October 2023, the cut off date for determining eligibility be also extended till then. Ms. Mazumdar, learned Counsel for the appellants, has invited our attention to an email dated 29 October 2023 addressed by Akshay Kumar, one of the appellants, to the respondent and the reply dated 30 October 2023 of the respondent thereto, as well as email dated 11 August 2023 from Anushree Sahoo, and the response from the respondent of the same date, thus:

E-mail dated 29 October 2023 from Akshay Kumar to the respondents

“Dear Sir,

I hope this email finds you well. I am writing to bring your kind attention towards the cut-off date for determining eligibility criteria for the upcoming ESSE-2023.

As per the notification, the cut-off for determining various eligibility criteria (Education qualifications, age limit etc.) was 18/08/2023 i.e, the last date for submission of application. The application form reopens and further it was extended till 19/10/2023 for the participation of more such eligible candidates



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but there was no any information regarding the extension of cut-date of eligibility criteria.

We, the applicants, request you to change the cutoff date to 19-10-2023 (the last date of submission of application) and release a corrigendum regarding this change on the website.

This change will ensure that a broader range of qualified candidates can participate in the recruitment process. We believe that this adjustment aligns with your commitment to providing equal opportunities and a fair evaluation of candidates' qualifications.

Thanking You

Sincerely,

E-mail dated 30 October 2023 from the respondent to Akshay Kumar

Dear Candidate:-

You are requested to go through the Information Bulletin Chapter-4 which is available on the website. <https://emrs.tribal.gov.in>.

E-mail dated 11 August 2023 from the Anushree Sahoo to respondent

Sir/Madam,

I want to apply in TGT-Art, but the final result is not published yet. Can I apply with undertaking & to submit my final result by September 2023.

Sincerely
Anushree Sahoo
From Odisha
Phone No. 8114345272
email: anusahoo.rd@gmail.com

E-mail dated 11 August 2023 from the respondent to Anushree Sahoo

Draft Reply for the post of Principal/PGT/Accountant/JSA/Lab Attendant	Draft Reply for the post of TGT/TGT's Misc./Hostel warden
Eligibility	Dear Candidate:-
	Dear Candidate:-



Criteria	You are requested to go through the Information Bulletin Chapter-4 which is available on the website. https://emrs.tribal.gov.in	You are requested to go through the Information Bulletin Chapter-4 which is available on the website. https://emrs.tribal.gov.in
Submission of Application Form	You are requested to go through the Information Bulletin on page 25 which is available on the website. https://emrs.tribal.gov.in	You are requested to go through the Information Bulletin Chapter- 2. Which is available on the website. https://tribal.nic.in/

15. The appellants were issued admit cards, on the basis of which they underwent the ESSE 2023 Examination, which was held in December 2023. The results were declared on 22 January 2024. All the appellants figured in the list of provisionally shortlisted candidates, released *vide* notice of the same date, i.e. 22 January 2024. The appellants were called by NESTS for document verification. However, in the Bio-Data form for PGT and Bio-Data form for TGT, the appellants noticed that the cut-off date for determination for eligibility continued to be specified as 31 July 2023 and 18 August 2023, respectively. It was, in these circumstances, that the appellants decided to approach this Court by means of individual writ petitions, all of which came to be decided by judgment dated 31 January 2025 of the learned Single Judge, against which the appellants have filed the present Letters Patent Appeal.

16. In their writ petitions, the appellants prayed thus:

“In the view of the above facts and circumstances, it is respectfully prayed that this Hon’ble Court may be pleased to:

- A. Issue a writ of Mandamus or of any similar nature directing the Respondents to fix the date for determination of qualification as the date for filing the application form or the last date of filing of application form i.e. 19.10.2023 for



purpose of Recruitment to the posts of TGT, TGT(PET) and PGT respectively in Eklavya Model Residential Schools;

AND/OR

B. Quash and set aside the condition stipulated in the Note of the Bio Data form for recruitment drive 2023-24 (Annexure 45 & 46) fixing cut-off date as 31.07.2023 for PGT and 18.08.2023 for TGT respectively;

C. pass appropriate direction to stay the Process of Recruitment for the post of PGT and TGT in Eklavya Model Residential Schools for recruitment drive 2023-24;

D. Pass appropriate direction restraining the Respondents from proceeding from releasing list of Recruited Candidates pending the outcome of the present Petition;

E. Allow any other relief (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances to meet the ends of justice.”

17. The learned Single Judge has, by judgment dated 31 January 2025, dismissed the writ petitions filed by the appellants. He has, in doing so, placed reliance on the judgment of a Division Bench of this Court in *DSSSB v Uma Shankar Sharma*⁷. The learned Single Judge has reproduced paras 2, 11 and 12 of the said decision, which we too deem it appropriate to reproduce:

“2. The user department i.e., the Government of NCT Delhi found that there was an error in the number of vacant posts notified to be filled up and sent a correct number to the Delhi Subordinate Service Selection Board, resulting in the Board issuing an addendum to the notification inviting applications dated November 07, 2009, indicating therein that the vacancies would be as indicated in the corrigendum. *The last date for receiving applications was extended to March 25, 2010. No other term or condition of the notification dated November 07, 2009 was changed, and hence it is obvious that the prescribed cut-off date by*

⁷ 2013 SCC OnLine Del 1911



which eligibility had to be acquired continued to be March 15, 2010.

11. Suffice would it be to state that the consistent view taken by Courts is that if a date is prescribed in an advertisement as the last date by which a qualification has to be obtained, the date being sacrosanct, has to be respected and we may note the reason for the view by reproducing paragraph 10 from the decision of the Supreme Court in **Rekha Chaturvedi v. University of Rajasthan**⁸ which reads as under: -

“10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. *Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications.* But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the Selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with

⁸ 1993 Supp (3) SCC 168



patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in *A.P. Public Service Commission, Hyderabad v B. Sarat Chandra*⁹ and *District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram v M. Tripura Sundari Devi*¹⁰.”

12. For the reasons recorded by the Division Bench of this Court overruling the view taken by the Tribunal in Preeti Balyan's case and for the law declared by the Supreme Court in Rekha Chaturvedi's case (supra) the impugned decision has to be set aside; additionally for the reason that it was for the Staff Selection Board to have notified the last date by which eligibility had to be acquired. Further, the advertisement inviting applications gave a wrong figure pertaining to the vacancies notified to be filled up and the corrigendum simply corrected by disclosing to the candidates the exact number of vacancies proposed to be filled up. An error of notifying the number of vacancies being corrective, it had not to be treated that the original advertisement inviting applications stood superseded. *There is no law that eligibility has to always as of the last date by which applications would be received. The date of eligibility has to be clearly spelt out and the same could be any date as per the advertisement inviting applications.*”

(emphasis supplied)

18. The learned Single Judge has held that, as there was no stipulation, in the Information Bulletins released by the NESTS for the ESSE 2023, to the effect that the cut-off date for determining eligibility and the last date for submitting applications would necessarily coincide, extending of the latter date did not *ipso facto* result in extending of the former. The e-mail communications, on which Ms. Mazumdar relied both before the learned Single Judge as well as before us, were held by the learned Single Judge not to advance the case of the appellants, to any substantial degree. Paras 27

⁹ 1990 SCC (2) 669

¹⁰ 1990 SCC (3) 655



and 28 of the impugned judgment, which contain the conclusions of the learned Single Judge, read thus:

“27. This conclusion is also indicated by the fact that the petitioners, for all practical purposes, did not possess the required qualifications on the last date of eligibility. The petitioners’ case does not merely concern certification or documentation with regard to their eligibility conditions, but substantive fulfilment of the eligibility conditions. The petitioners’ results for their qualifying examinations had not been declared on the relevant date, although they had completed their examinations. In such circumstances, the petitioners could not have asserted that they satisfied the eligibility criteria on the stipulated dates. The present cases are thus not merely of delayed submission of certificates, but of belated satisfaction of eligibility criteria.

28. While sympathising with the predicament in which the petitioners find themselves, for the reasons aforesaid, I am unable to accede to their request for issuance of writ of mandamus to the respondents to change the cut-off dates”

19. Aggrieved by the aforesaid judgment of the learned Single Judge, the petitioners in the writ petitions are in appeal before us.

20. We have heard Ms. Mazumder, learned Counsel for the appellants.

21. It is apparent, at plain glance, that the appellants have no legally tenable case. The learned Single Judge has expressed his sympathy with the appellants, and we can do no better.

22. Sympathy can, however, only temper the law; it cannot substitute it. While a writ court has always to act with equity and compassion while discharging its duties, these considerations cannot trump the law. The Court may exercise equity and compassion, but



within the legitimate peripheries of law, and not outside it.

23. This may be expressed otherwise, in the hallowed maxim, *ubi jus ibi remedium*. For a remedy to be available, a right must exist. Sance any enforceable right, there can be no available remedy.

24. The errors in the appellants' contention may best be manifested by the following averments contained in the synopsis filed with the present appeal, which more or less encapsulate the submissions of the appellants, both before the learned Single Judge as well as before us:

“The Respondent No. 2 had released a notification inviting online applications for the recruitment of teaching and non-teaching staff for Eklavya Model Residential Schools across the country. For the post of PGT, applications forms were opened on 28.06.2023 and the last date of submission of application form was 31.07.2023. Chapter 3 of the information bulletin for PGT, cut-off date for determining the eligibility was 31.07.2023. For the post of TGT and TGT (PET) opened on 19.07.2023 and the last date of submission of application form was 18.08.2023. Chapter 3 of the information bulletin for TGT and TGT (PET) cut-off date for determining the eligibility was 18.08.2023. The Respondent No. 2 extended the last date of submission of application form for the post of PGT to 18.08.2023 and subsequently another pop-up notification was issued. Consequently, application form for the both the posts were reopened from 13.10.2023 to 19.10.2023. It is pertinent to mention here that the Appellants herein were awaiting their results during the first round of submission of application form but subsequently when the date of application form was extended, they became eligible for applying to the aforesaid post as their results were declared in the meantime. The Respondent No. 2 had simply extended the date of filing of application forms without clarifying the cut-off date for determining the educational qualification for the said posts. As initially when the application form was issued the cut-off date for determining the educational qualification was the last day of submission of application form for the respective posts. Since the Respondent No. 2 had failed to clarify whether the cut-off date for determination of eligibility was also extended, it was deemed to be the last day of submission of application forms, i.e. 19.10.2023.”



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25. These passages, which, as already noted, encapsulate the contents, in précis, the submissions of Ms. Mazumdar, suffer from the following errors, of law and fact:

(i) It is contended that, “the appellants herein were awaiting their results during the first round of submission of application form but subsequently, *when the date of application form was extended, they became eligible for applying to the aforesaid post as their results declared in the meantime*”. This is erroneous. The extension of the last date for submission of application form did not render the appellants eligible for applying to the posts to which they aspired. The *terminus ad quem*, by which eligibility of the candidates have to be reckoned, never changed. It remained 31st July 2023 for aspirants to the posts of PGT and 18th August 2023 for aspirants to the posts of TGT and Hostel Warden. These dates never changed. Inasmuch as, prior to these dates, none of the appellants was in possession of any degree or certificate, certifying that they had obtained the necessary qualification rendering them eligible for appointment to the posts to which they aspired, even though they had undertaken the concerned examinations prior thereto, they were *ipso facto* ineligible for appointment to the said posts. The postponement of the last date for submitting applications did not, therefore, render them eligible.



(ii) It is further contended that the NESTS had “simply extended the date of filing of application forms *without clarifying the cut-off date for determining the educational qualification for the said posts*”. Clarification is required where there is lack of clarity. Clause f in Chapter 3 of the Information Bulletin clearly stated that “the cut-off date for determining various eligibility criteria (educational qualifications, age limit, etc.)” would be 18 August 2023 for TGTs and Hostel Wardens and 31 July 2023 for PGTs and all other posts. Nothing could be clearer. The absence of any “clarification” regarding the cut-off date for determining eligibility qualifications, while extending the last date for submission of application forms, therefore, makes no difference.

(iii) It appears that the appellants were misled into believing that the cut-off date for determining eligibility qualifications would always coincide with the last date for submitting applications because of the stipulation, in the Note in Chapter 4 of the Information Bulletin, requiring candidates to “have certificate of minimum required qualification *at the time submission of application*”. Clearly, this clause only required the candidates to be in possession of certificates *evidencing satisfaction of the minimum educational qualifications*, by the last date for submission of application. That did not mean that the cut-off date for determining eligibility or educational qualifications would automatically be the last date for submission of applications. What the candidates were required



to be in possession of, were certificates evidencing that they held the requisite educational qualifications, prior to the cut-off dates stipulated in Clause f in Chapter 3 of the Information Bulletin, on or before the last date for submission of applications.

(iv) At the same time, we cannot but feel that the respondents could have avoided such a situation, and the appellants would also have not been put to needless prejudice, had it been specifically stated, while extending the last date for submission of application forms, that the cut-off date for determining the eligibility qualifications was not being simultaneously extended. Had this been done, much heartache might have been avoided. At the same time, the omission on the part of the respondents, from saying so with the requisite degree of clarity cannot, in our opinion, confer any legally enforceable right on appellants.

(v) The synopsis goes on to state that “when the applications form was issued, *the cut-off date for determining the educational qualification was the last date of submission of application form for the respective posts.*” Facially, this is correct, but only superficially so. To reiterate a point already made earlier, there was no stipulation, in the Information Bulletins, to the effect that the cut-off date for determining eligibility would invariably coincide with the last date for submission of application forms. That they did so coincide, as originally envisaged in the Information Bulletins, is



undoubtedly true. That they would so coincide for all times to come was not, however, an inevitable corollary. It is in believing that, as the last date for submission of application forms and the cut-off date for determining eligibility initially coincided, that they would always coincide in future, and that postponement of one would imply postponement of the other, that the appellants erred. Err, however, they did, and, therefore, they cannot be claimed to be entitled to relief.

(vi) The synopsis goes on to state that, “since the Respondent 2 had failed to clarify whether the cut-off date for determining of eligibility was also extended, *it was deemed to be the last date of submission of application forms, i.e. 19 October 2023.*” This, again, is an erroneous submission. There was no such deemed extension of the cut-off date for determining eligibility, merely because the last date for submitting applications had been extended. To put it plainly, extension of one did not invariably imply extension of the other.

(vii) The synopsis further asserts that the clauses in Chapter 3, providing for the cut-off date for determining eligibility, and in Chapter 4, providing for the last date for submission of application forms, conflicted with each other. We do not think so. There was, in fact, no such conflict, even if there could have been greater clarity. The cut-off date stipulated in Chapter 3 was to determine eligibility of the candidates for recruitment to the posts to which they aspire. That remained 31 July 2023



for the posts of PGT and 18 August 2023 for the posts of TGT and Hostel Wardens. The date envisaged in Chapter 4 was the last date for submission of applications. That changed, from 31 July 2023 for the post of PGT and 18 August 2023 for the post of TGT and Hostel Wardens, to 19 October 2023 in both cases. Inasmuch as there was no stipulation, in the Information Bulletins or elsewhere, that these two dates would coincide, the appellants are obviously in error in contending that there was any conflict.

26. We are also in agreement with the learned Single Judge that the e-mails, on which Ms. Mazumdar placed reliance, do not advance her case to any extent. They merely called upon the appellants to refer to the Information Bulletin, for answers they sought. They do not, in any manner of speaking, hold out that the cut-off date for determining eligibility stood extended simultaneously with the extension of the last date for submitting applications, or that any such simultaneous extension was envisaged in the Information Bulletin. The responses from the NESTS are, in fact, clearly non-committal in nature.

27. Ms. Mazumdar has placed reliance on the judgments of the High Court of Patna in *Satish Kumar v UOI*¹¹, the High Court of Bombay in *Shrikant v State of Maharashtra*¹² and the High Court of Punjab and Haryana in *Akash Goyal v State of Haryana*¹³.

¹¹ (2022) 2 PLJR 61

¹² (2016) 5 Mah LJ 382

¹³ Judgment dated 23 February 2023 in CWP 16736/2017 (O&M)



28. We have perused the said decisions.

29. Ms. Mazumdar is correct in her submission that the High Court of Punjab and Haryana, through a learned Single Judge, has observed thus:

“10. Learned counsel for the petitioner has urged that initially when he had applied for the post pursuant to the public notice, he had clearly mentioned that he has done B.Tech. degree. However, the respondents wrongly ignored his claim for appointment as Operator/JE-1 on the basis of B.Tech. degree since final result had not been declared. However, during the period when time was extended for submission of the application forms, the petitioner had cleared the necessary qualifications to be considered for appointment as Operator/JE-I. The arguments as raised by the learned counsel for the respondents that the case of the petitioner cannot be considered as the cut-off date 17.8.2014 has to be taken for considering eligibility vis-a-vis the qualifications possessed by the applicants/oustees and this decision is based on the approval of memorandum Annexure R1/A, is not sustainable. *Once the date for submission of applications forms for appointment, stood extended from time to time, the last extended date for submission of application shall be considered as cut off date for all intents and purposes including the educational qualifications possessed by the applicants/oustees, which in the instant case is 15.2.2015.*”

(Emphasis supplied)

30. With greatest respect, we are unable to express our agreement with the view expressed by the learned Single Judge of the High Court of Punjab and Haryana. The observation that, once the last date for submission of application forms for appointment stood extended from time to time, the last extended date for submission of application *shall be considered as cut-off date for all intents and purposes including the educational qualifications possessed by the applicants*, in our view, is not supported by any sound legal principle known to law. In the facts of the case before her, the learned Single Judge of the High Court of Punjab and Haryana deemed it appropriate to so hold. We cannot,



however, treat this as a correct exposition of the position in law, as would constitute a precedent for future cases.

31. *Satish Kumar* was, on the other hand, a case in which the High Court of Patna has, in paras 19 and 20, noted thus:

“19. Keeping in view the law laid down by the Apex Court in *Ashok Kumar Sharma v Chandrashekhar*¹⁴, one can only draw a conclusion that in absence of any cut-off date for acquiring the qualification in the notice, as per the judgment, it would be the last date of submitting of the application form.

20. Since 23rd December, 2021 is the last date as mentioned in the final edit window the candidates who have to appear in the examination must acquire qualification up-to 23rd December, 2021.”

32. There can be no cavil with the legal position set out in the afore-extracted paragraphs from *Satish Kumar*. If no cut-off date for acquiring educational qualifications, or attaining eligibility, is stipulated in the concerned advertisement, a Court may legitimately treat the last for submission of applications as the cut-off date for acquiring eligibility. Where, however, as in the instant case, a separately stipulated cut-off date for acquiring eligibility exists, no such presumption is available.

33. In *Shrikant*, similarly, it is specifically noted, in para 10, thus:

“10. In the advertisement, there is no specific mention that the candidate should have acquired the Educational qualification on or before 10th September, 2014.”

¹⁴ (1997) 4 SCC 18



Shrikant, therefore, was also a case in which there was no stipulated cut-off date for obtaining eligibility or acquiring educational qualifications.

34. The decisions on which Ms. Mazumdar places reliance are, therefore, to our considered opinion, of no avail.

35. On the other hand, the Supreme Court has, in *Ashok Kumar Sonkar v UOI*¹⁵, emphasized the sanctity of a cut-off date, thus:

“20. Possession of requisite educational qualification is mandatory. The same should not be uncertain. If an uncertainty is allowed to prevail, the employer would be flooded with applications of ineligible candidates. A cut-off date for the purpose of determining the eligibility of the candidates concerned must, therefore, be fixed. *In absence of any rule or any specific date having been fixed in the advertisement*, the law, therefore, as held by this Court would be the last date for filing the application.”

36. Thus, where the advertisement stipulates a cut-off date, that date is, to all intents and purposes, sacred. It can be called into question only if it is in conflict with existing recruitment rules or any other statutory prescription or proscription.

37. The appellants have not sought to build up any such case. Their only case is that, with the extension of the last date for submitting applications to 19 October 2023, they believed that the cut-off date for acquiring eligibility/educational qualifications also stood extended till 19 October 2023.

¹⁵ (2007) 4 SCC 54



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38. The belief may have been *bona fide*, but it was mistaken. It does not flow from either expressly or by necessary implication, from the provisions of the Information Bulletin.

Conclusion

39. We, therefore, are in entire agreement with the learned Single Judge that the appellants were not eligible for the post to which they aspired, and for which they had undertaken the ESSE.

40. The writ petitions were, therefore, rightly dismissed by the learned Single Judge.

41. The same fate must visit these appeals which are also, therefore, dismissed *in limine* with no orders as to costs.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 21, 2025

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[Click here to check corrigendum, if any](#)