



2025:DHC:11333-DB



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

Date of decision: 11.12.2025

+ W.P.(C) 7647/2025 & CM APPL. 34088/2025

UNION OF INDIA AND ORS

.....Petitioners

Through: Dr.Vijendra Singh Mahndiyan,
CGSC with Ms.Apurva Singh,
Mr.Vaibhav Singh and
Mr.Harsh Dixit, Advs.

versus

ABHISHEK YADAV

.....Respondent

Through: Mr.Abhaya K. Behera, Sr. Adv.
with Mr.Manoj Chouhan,
Mr.Ujjwal Singh Parmar and
Ms.Neha Raj Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 01.10.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1845/2023, titled ***Abhishek Yadav v. Union of India through its Secretary & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondent herein with the following directions:

"55. In view of the exceptional facts of the present case where the applicant has diligently



filled out DAF-II in CSE, 2021 in a particular format, this Court is of the opinion that the rules under CSE 2021 requires a rigid interpretation so as to not deprive the applicant of exercising his right of preferences and also to remove any ambiguity that anything other than DAF-II is responsible for service allocation. This is to ensure that such a candidate is not placed at a disadvantageous position vis-a-vis other candidates of his category in the merit list below him. Even otherwise respondents are required to do so given the doctrine of promissory estoppel.

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57. Given the aforesaid discussion, the present petition succeeds. The impugned iteration dated 04.08.2022, 26.08.2022 and 22.09.2022, with respect to the applicant, are quashed and set aside.

58. The respondents are directed to consider the preferences of the applicant in terms of DAF-II, CSE-2021 for purposes of allocation of service and further for allocation of cadre strictly as per rules. The said exercise shall be completed within a period of two months from the date of receipt of a certified copy of this Order. Needless to mention that the applicant shall be entitled to seniority, fixation of pay from the date last person junior to him in IPS cadre, however, only on a notional basis."

FACTS IN BRIEF:

2. To give a brief background of the facts in which the present petition arises, the respondent participated in the Civil Services Examination-2019 and, upon successfully clearing all stages of the examination, was offered appointment to the Indian Railway Accounts Service, which he joined.
3. Thereafter, he appeared in the Civil Services Examination-2020



and, based on his rank, was offered appointment to the Indian Revenue Service (IRS) (Income Tax), as he was declared medically 'unfit for the Police Services' on 08.09.2021 by the Central Standing Medical Board.

4. The Appellate Medical Board (AMB), which met on 04.03.2022 and whose report was uploaded on the petitioners' website on 09.03.2022, declared the respondent "fit for all services."

5. Based on the said report, the respondent was offered appointment to the Indian Police Service (IPS) on 25.03.2022 in the Civil Services Examination-2020, and he joined the said Service on 29.03.2022.

6. In the meantime, the respondent appeared in the Civil Services Examination-2021 and, having cleared the preliminary examination, submitted his Detailed Application Form-II (DAF-II) on 24.03.2022 at 01:30 P.M., that is, before he was offered appointment to the IPS in the Civil Services Examination-2020. In the DAF-II, he opted for the IPS as his second preference. However, the petitioners denied him allocation to the IPS and instead offered him the Indian Foreign Service (IFS), which was his third preference, on the basis that having already been allocated IPS in CSE-2020, he was not entitled to be allocated IPS in CSE-2021, even though being in merit for the same.

7. Aggrieved thereby, the respondent filed the above O.A.

8. The learned Tribunal, observing that the respondent cannot be blamed for having concealed or misrepresented any information in his DAF-II, and that he has a right to be considered for appointment to a



service in accordance with his rank and merit, allowed the aforesaid O.A. with the directions quoted above.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS:

9. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate and misconstrued Clause 12(2) of the Rules applicable to the Civil Services Examination-2021. He submits that the said Rules, read in conjunction with Rule 21(1) and Rule 23 thereof, clearly demonstrate that a candidate has no vested right to allocation or appointment to a particular Service merely on the basis of merit, and that there is a clear bar on a candidate, who is already appointed to the IPS, from being allotted the same Service in the subsequent Civil Services Examination-2021.

10. He further submits that in view of this specific bar, the respondent was rightfully denied allocation to the IPS in the Civil Services Examination-2021, and that the learned Tribunal erred in setting aside the said decision.

SUBMISSIONS OF THE LEARNED SENIOR COUNSEL FOR THE RESPONDENT:

11. On the other hand, the learned senior counsel for the respondent submits that the DAF-II was filled by the respondent before he had been offered appointment to the IPS in the Civil Services Examination-2020. At that time, the IPS was one of the options available to the respondent. This is evident from the fact that the DAF-II, being an online form, provides options only for those Services that



a candidate is eligible to opt for, and the IPS was one such option available to the respondent.

12. He further submits that there is a marked distinction between Rule 12(1) of the Civil Services Examination Rules, 2021 (hereinafter referred to as the 'Rules') and Rule 12(2) of the said Rules. While Rule 12(1) of the Rules bars a candidate from even applying for the Indian Administrative Service (IAS) and the Indian Foreign Service (IFS) if he has already been selected for the said Services, Rule 12(2) of the Rules merely bars a candidate from opting for the IPS if such candidate has already been appointed to the IPS. He submits that at the stage of exercising the option, the respondent had not been appointed to the IPS and, therefore, Clause 12(2) of the Rules would have no application.

13. He further submits that it is settled law that, while interpreting a Statute, the Courts cannot add to or subtract from its words or provisions, and that the plain meaning must be ascribed to the same. In support of his submissions, he places reliance on the Judgments of the Supreme Court in *Hardeep Singh v. State of Punjab & Ors.*, (2014) 3 SCC 92; *Commissioner of Central Excise, Nagpur v. Universal Ferro and Allied Chemicals Ltd and Anr.*, (2020) 5 SCC 332; *Sri Jeyaram Educational Trust & Ors. v. A. G Syed Mohideen & Ors.*, (2010) 2 SCC 513; and, *Nelson Motis v. Union of India & Anr.*, (1992) 4 SCC 711.

14. He reiterates that as on the date of the filling of the DAF-II, the respondent had not been appointed to the IPS on the basis of any



earlier examination and, therefore, the restriction contained in Rule 12(2) of the Rules had no application.

ANALYSIS AND FINDINGS:

15. We have considered the submissions made by the learned counsels for the parties.

16. From the above sequence of events and the submissions advanced, it is evident and cannot be disputed that at the time the respondent submitted his DAF-II, he had neither been offered appointment to nor appointed to the IPS. Therefore, the learned Tribunal has rightly held that the respondent cannot be faulted or accused of having misled or concealed any fact in relation to his appointment; in fact, this is not even the case of the petitioners.

17. The petitioners merely state that in terms of Rule 12(2) of the Rules, there is a bar on a candidate being appointed to the IPS if such candidate already stands appointed to the IPS in an earlier selection process. We shall, therefore, first reproduce hereinbelow Rules 12, 21 and 23 of the Rules for CSE-2021, as under:

“Restrictions in Application:

12.(1) A candidate who is appointed to the Indian Administrative Service or the Indian Foreign Service based on the results of an earlier Examination and continues to be a member of that Service will not be eligible to appear at the Civil Services Examination-2021 In case such a candidate is appointed to the IAS or IFS after the Civil Services (Preliminary) Examination-2021 is over and the candidate continues to be a member of that Service, the candidate shall not be eligible to appear in the Civil Services (Main) Examination-2021 notwithstanding having



qualified in the Civil Services (Preliminary) Examination-2021. If such a candidate is appointed to the IAS or IFS after the commencement of the Civil Services (Main) Examination-2021 but before the result thereof is declared by the Commission and continues to be a member of that Service, the candidate shall not be considered for appointment to any Service/Post on the basis of the result of the CSE-2021.

(2) A candidate who is appointed to the Indian Police Service based on the results of an earlier Examination and continues to be a member of that Service shall not be eligible to opt for the Indian Police Service on the basis of the result of the CSE-2021.

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21.(1) Due consideration will be given at the time of allocation of Service based on the results of the Examination to the order of preference expressed by a candidate in respect of Services in the Detailed Application Form-II for Civil Services Examination-2021. The appointment to various Services will also be governed by the Rules/Regulations in force as applicable to the respective Services at the time of appointment.

(2) The Cadre Allocation of candidates selected for appointment to IAS or IPS will be governed by the policy of Cadre Allocation in force at the time of allotment of cadre. Due consideration will be given at the time of Cadre allocation based on the results of the Examination to the preferences expressed by a candidate for various Zones and Cadres thereunder at the time of submission of Detailed Application Form-II for Civil Services Examination-2021.

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Suitability for Appointment:

23. No right to allocation and appointment to a Service is conferred to a candidate declared as successful by the Commission as per the results of the Examination, unless the



Government is satisfied after such enquiry as may be considered necessary that the candidate, having regard to character and antecedents and certificates produced during the course of examination for the purpose of eligibility as well as for claiming any kind of benefit for reservation and to the Medical Examination Reports, is suitable in all respects for allocation/appointment to the Service. The decision of the Government in this regard shall be final."

18. Rule 21(1) of the Rules provides that, at the time of allocation of Service based on the results of the examination, due consideration shall be given to the order of preference expressed by a candidate in respect of Services in the DAF-II.

19. Rule 23 of the Rules stipulates that no right to allocation or appointment to a Service is conferred upon a candidate declared successful unless the Government, after such enquiry as it may consider necessary, is satisfied that the candidate, having regard to his character and antecedents, the certificates produced during the course of the examination for the purpose of eligibility as well as for claiming any benefit of reservation, and the medical examination reports, is suitable in all respects for allocation or appointment to the Service.

20. Rule 12 of the Rules, which is the bone of contention between the parties in the present case, insofar as sub-clause (1) is concerned, provides that a candidate who is appointed to the IAS or the IFS shall not be eligible to appear in the Civil Services Examination-2021, and that if such appointment takes place after the Preliminary Examination of 2021, the candidate shall not be eligible to appear in the Main



Examination; further, if such appointment takes place even after the Main Examination, the candidate shall not be considered for appointment to any Service or post. Therefore, the bar in such case is to participate in the CSE-2021 as a whole and not confined to any particular Service allocation.

21. On the other hand, sub-rule (2) of Rule 12 of the Rules provides that a candidate, who has been appointed to the IPS on the basis of the result of an earlier examination, shall not be eligible to opt for the IPS on the basis of the result of the Civil Services Examination-2021. Therefore, while in the case of a candidate appointed to the IAS or the IFS, there is a complete bar on appointment through the Civil Services Examination-2021, in the case of the IPS, the bar extends only to allocation to the IPS in the Civil Services Examination-2021. The said bar continues until the results of the Civil Services Examination-2021 are declared and allocation of Services is made, and does not end merely at the stage of exercising options or submitting the DAF-II.

22. Accordingly, any candidate, who has already been appointed to the IPS on the basis of the result of an earlier examination, is ineligible to be appointed to the IPS on the basis of the result of the Civil Services Examination-2021.

23. When the Rules use the expression “shall not be eligible to opt”, such a bar does not cease merely at the stage of exercising options but continues until the results of the Civil Services Examination-2021 are declared and final Service allocations are made. As is evident from Rule 21 of the Rules, final allocation of Services is made upon



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declaration of the complete results.

24. The learned Tribunal, therefore, in our opinion, erred in observing that the bar comes to an end at the stage of submission of the DAF-II by a candidate.

25. While there can be no dispute with the proposition of law that a statutory provision must be interpreted without adding to or subtracting from its words, in the present case, the Rule is explicit and unambiguous in all respects and bars a candidate who has already been appointed to the IPS, even if such appointment takes place during the course of the Civil Services Examination-2021, from being appointed to the IPS on the basis of the result of the Civil Services Examination-2021.

26. We are, therefore, unable to sustain the Impugned Order passed by the learned Tribunal. The same is, accordingly, set aside.

27. The present writ petition is allowed in the above terms. The pending applications are also accordingly, disposed of.

28. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 11, 2025/sg/DG