



2025:DHC:4009-DB



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

Date of decision: 16.05.2025

+ W.P.(C) 6549/2025
STAFF SELECTION COMMISSION AND ORSPetitioners
Through: Mr.Ankur Mittal, CGSC with
Mr.Aviraj Pandey, Adv.
versus

AJAYRespondent
Through: Ms.Esha Mazumdar, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 29745/2025 & 29872/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 6549/2025 & CM APPL. 29744/2025

2. This petition has been filed, challenging the Order dated 12.12.2024 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 2919/2024, titled *Ajay v. Staff Selection Commission & Ors.*, allowing the said O.A. filed by the respondent and setting aside the Order dated 03.07.2024 passed by the petitioners whereby the representation of the respondent against the rejection of his candidature was rejected.

3. To give a brief background of the facts in which the present petition arises, pursuant to the Notification dated 01.09.2023, the



2025:DHC:4009-DB



respondent had applied for the post of Constable (Exe.) Male with the Delhi Police under the EWS Category. Having cleared all the stages of the selection process, he was called for the Physical Endurance & Measurement Test, the document verification, and the medical examination, which were conducted on 14.01.2024.

4. In the final result that was declared on 24.01.2024, the name of the respondent was not included. The respondent, therefore, approached the learned Tribunal by way of O.A. No. 468/2024, which was disposed of *vide* Order dated 08.04.2024, with a direction to the petitioners to ascertain the factual position regarding the respondent possessing the EWS certificate at the relevant time and producing it at the time of document verification, and take appropriate steps thereafter.

5. The respondent then made a detailed representation dated 28.05.2024 to the petitioners, which was rejected *vide* Order dated 03.07.2024, and was challenged by the respondent before the learned Tribunal by way of the abovementioned O.A. No. 2919/2024.

6. The ground for rejection of the candidature of the respondent was that he failed to produce the photocopy of his EWS certificate at the time of document verification.

7. The learned counsel for the petitioners has drawn our attention to Clause 15.1 read with Clause 15.3.5 of the Advertisement, Note No. 2 of the Admit Card, and Clause 23(xiii) of the Standing Order No. HRD/04/2022 - Direct Recruitment of Constable (Executive) Male and Female in Delhi Police, to submit that the candidates were repeatedly warned that at the stage of document verification, they



must carry with them not only the originals of the certificates that have been listed in Clause 15.3 of the advertisement, but also their photocopies. He submits that despite such repeated warnings, the respondent admittedly did not bring a photocopy of his EWS certificate at the time of the document verification and, therefore, his candidature was rightly rejected by the petitioners. He submits that in the meantime, all the posts that were advertised stand filled and, therefore, in any case, no indulgence should be granted to the respondent for his own mistake.

8. On the other hand, the learned counsel for the respondent, who appears on advance notice, places reliance on Clause 23(xiv) of the Standing Order to submit that in case a candidate fails to produce the requisite document at the stage of document verification, the candidate must be given a chance to submit the same within five working days thereof, and, in case he/she produces the documents, his/her candidature is to be reconsidered on merit. She submits that in the present case, no such opportunity was given to the respondent.

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

10. While it is correct that the Advertisement, the Admit Card, as also Clause 23(xiii) of the Standing Order, clearly put the candidates to notice that they must, at the stage of document verification, bring not only the originals of the documents that are required, but also their photocopies, and the purpose of the same is not far to see inasmuch as these documents would later have to be verified by the petitioners from the issuing authorities, at the same time, Clause 23(xiv) of the



Standing Order states that in case a candidate fails to produce the requisite document during the document verification stage, though his/her candidature may be rejected, at the same time, he/she may be given a chance to submit the required documents within five working days, and if such documents are produced within the time granted, his/her candidature will be reconsidered on merit. This provision provides capable candidates a safeguard from being eliminated from consideration due to minor procedural oversights that can be easily rectified.

11. We reproduce Clause 23(xiv) of the Standing Order as under:-

**“23. PHYSICAL ENDURANCE &
MEASUREMENT TEST (PE&MT)
AND CHECKING OF THE
ORIGINAL
DOCUMENTS/CERTIFICATES TO
VERIFY ELIGIBILITY CRITERIA**

xxxxx

- xiv) In case any candidate fails to produce the requisite documents during PE&MT process, his/her candidature will be rejected. However, he/she may be given a chance to submit the required documents within 05 working days. After production of required documents, his/her candidature will be reconsidered on merit. However, the candidate must have a valid Driving License issued on or before the actual date of PE&MT.”*

12. In the present case, the petitioners have been unable to show to us that the respondent, for his failure to produce the photocopy of the EWS certificate, was given a chance to produce the same within five days. We have no reason to disbelieve the learned counsel for the



respondent when she states that no such chance was given to the respondent, as if such an opportunity had been given to the candidate, who has worked hard and cleared all stages of the selection process, he would not allow an opportunity of public employment to go abegging only for non-production of the photocopy of a document which he already possesses, and the original of which had already been produced by him at the stage of document verification. This is particularly compelling given the fact that the respondent has diligently pursued his legal remedies at each stage of the process. It is not the case of the petitioners that even the original of the EWS certificate was not produced by the respondent at the stage of document verification. The production of the original document satisfies the substantive requirement of proving eligibility, while the requirement of the photocopy thereof is merely procedural in nature. Clearly, therefore, the respondent had not been granted an opportunity to produce the photocopy of the EWS certificate. We, therefore, do not find any merit in the objection of the petitioners to the Impugned Order.

13. As far as the submission of the petitioners that there are no further vacancies left in the recruitment process, we may only note that the result of the selection process was declared by the petitioners on 24.01.2024. The respondent filed his first O.A., being O.A. No. 468/2024, almost immediately thereafter. The learned Tribunal, by its Order dated 08.04.2024, directed the respondent to submit a representation and for the petitioners to consider the same expeditiously. We reproduce the observation of the learned Tribunal



as under:

“7. We are conscious of the fact that the subject of the OA is appointment and in such matters, time is of great essence. Since the entire issue hinges upon the status of the applicant as an EWS candidate as established from the certificate, and the fact that he is stated to have possessed the certificate at the relevant time and also produced it at the time of document verification, no useful purpose would be served in dwelling upon this OA any further and carrying on an investigation into these facts. Let the same be done by the respondents after ascertaining the factual position and take an appropriate decision in the matter with respect to the selection/appointment of the applicant to the post for which he had participated.”

14. In compliance with the above direction, the respondent immediately made a representation, which came to be rejected by the Order dated 03.07.2024, which again, was immediately challenged by the respondent before the learned Tribunal. The respondent has, therefore, been pursuing his remedy with expedition. The respondent, therefore, cannot be denied the fruits of his endeavour only because of delay that may have occurred due to the court process.

15. Accordingly, we find no merit in the present petition. The same is dismissed. The pending applications also stand disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 16, 2025/rv

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