



2025:DHC:11493-DB



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

Date of decision: 16.12.2025

(13)+ W.P.(C) 10162/2021

(14)+ W.P.(C) 14361/2021

(15)+ W.P.(C) 1390/2022

(16)+ W.P.(C) 1478/2022

JAIWAR RAMAVTAR PRAHLADPetitioner
LALIT KUMARPetitioner
DEEPAK KUMARPetitioner
ABHISHEK RAJPetitioner

Through: Mr.Pratik R. Bombarde,
Mr.Devender Singh and
Mr.Rohit Verma, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr.Nishant Gautam, CGSC
with Mr.Vardhman Kaushik,
Mr.Prithviraj Dey and
Ms.Kavya Shukla, Advs. in
W.P.(C) 10162/2021
Mr.Mukul Singh, CGSC with
Mr.Aryan Dhaka and Ms.Ira
Singh, Advs. for UOI in
W.P.(C) 14361/2021
Mr.Farman Ali, CGSC with
Ms.Usha Jamnal, Adv. in
W.P.(C) 1390/2022
Mr.R. V. Sinha, Mr.A. S. Singh
and Ms.Shriya Sharma, Advs.
for R-1 and R-2 in W.P.(C)
1478/2022



CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petition have been filed by the petitioner(s), challenging the Orders dated 24.11.2020, 30.06.2021, 04.11.2020, and 30.06.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 435/2020 (in W.P.(C)10162/2021), O.A. No. 781/2021 (in W.P.(C) 14361/2021), O.A. No. 437/2020 (in W.P.(C) 1390/2022) and O.A. No. 780/2021 (in W.P.(C) 1478/2022), whereby the learned Tribunal dismissed the O.A.(s) filed by the petitioner(s) herein.

BRIEF FACTS

2. To give a brief background from which the present petitions arise, the petitioner(s) had participated in the selection process for the post of Chemical Assistant, Group-"B", in the Central Revenue Control Laboratory (CRCL), which was advertised by the Staff Selection Commission (SSC) *vide* Recruitment Notice/Advertisement No. NR/2/2017 dated 25.08.2017. The essential experience prescribed for the said post was as under:

"Essential Qualification:

xxx

(b) Two years experience in chemical analysis or Research in a Govt. Department or Autonomous or Statutory Body or Recognized Institute or University or Public Sector Organisation (Undertaking) or listed Private Sector organization."

(Emphasis supplied)



3. The petitioner(s) were declared successful in the selection process and were issued offer letters. However, at the stage of document verification, it was found that they did not possess the requisite experience, as the private sector organisations from which they were claiming experience, were not 'listed private sector organisations'. Accordingly, their candidature was rejected.

4. Aggrieved thereby, the petitioner(s) approached the learned Tribunal in the first round of litigation. The said challenge was disposed of by the learned Tribunal *vide* Order dated 24.11.2020, wherein it was observed that the SSC may exercise its power to relax the qualification or experience in terms of the relevant Recruitment Rules.

5. Pursuant thereto, the petitioner(s) submitted representations to the SSC, however, the SSC, *vide* Order dated 26.02.2021, rejected the said representations and declined to exercise its power of relaxation under the Rules, observing as under:

"...iii) Thus, relaxation in terms of Note-2 can only be available during the selection process, but, in this case, selection process is long over.

(iv) Further, the power to relax is a discretionary power which is to be used only in rarest of the rare case meticulously and cautiously. It is not the right of the applicants to ask the department to use discretionary power in their interest."

6. Challenging the above communication, the petitioner(s) filed fresh O.A.(s) before the learned Tribunal which, as noted hereinabove, were dismissed by the learned Tribunal, observing that the decision



taken by the respondents cannot be said to be arbitrary and is, in fact, based on cogent reasons.

7. Aggrieved thereby, the petitioner(s) have filed the present Writ Petitions.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

8. The learned counsel for the petitioner(s), placing reliance on Note-2 of the Central Revenues Subordinate Chemical Service (Group “B” Non-Gazetted post) Chemical Assistant Recruitment Rules, 2015 (hereinafter referred to as the, ‘Recruitment Rules’), submits that the power of relaxation is available where a sufficient number of candidates belonging to the Scheduled Castes or Scheduled Tribes are not available and the seats reserved for them are not likely to be filled. He submits that, in the present case, a total of 26 posts were advertised for candidates belonging to the SC and ST categories, out of which only 16 posts were eventually filled, leaving 10 posts vacant. He submits that this was, therefore, a fit case where the respondents ought to have exercised the power of relaxation of the essential experience condition.

9. Placing reliance on the judgment of this Court in *Rizwan Zafar v. Union of India Through Secretary & Ors.*, 2022:DHC:2145-DB, he submits that this Court has held that where the experience claimed is from a private sector organisation which has been issued certificates by the Directorate General of Health Services and meets the requisite statutory standards and parameters, the same cannot be ignored. He



submits that this Court has further held that merely because a private sector organisation is not listed with a Stock Exchange, cannot be a ground to disregard the experience gained by the petitioner(s) in such organisations.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE RESPONDENTS

10. On the other hand, the learned counsels for the respondents submit that the experience claimed by the petitioner(s) was admittedly not from listed private sector organizations and, therefore, they did not qualify for appointment in terms of the Advertisement or the Recruitment Rules.

11. As regards the power of relaxation, they submit that the same was duly considered and, in the facts of the present case, a conscious decision was taken not to exercise such power, as a sufficient number of SC/ST candidates were available in the recruitment process. They submit that, therefore, no infirmity can be found in the impugned orders passed by the learned Tribunal.

ANALYSIS & FINDINGS

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

13. As regards the contention of the petitioner(s) that the experience claimed by them was from private sector organisations which, though admittedly not “listed” should still have been considered as meeting the eligibility qualification, and their reliance on the judgment of this Court in *Rizwan Zafar* (supra), we need not delve further into the said



issue inasmuch as the learned Tribunal, in the first round of litigation initiated by the petitioner(s), had disposed the O.A.(s) not on the ground that the experience gained by the petitioner(s) satisfied the requirements of the advertisement, but on the ground that the Staff Selection Commission (SSC) ought to consider the relaxation of qualification or experience. We quote the relevant extract from the Order dated 24.11.2020 passed by the learned Tribunal in the batch of O.A.(s) filed by the petitioner(s), as under:

“2. The question in some of the O.As. is about the exercise of discretion by Staff Selection Commission (SSC) or the competent authority, as regards the relaxation of the qualifications or experience. We make it clear that the SSC or the appointing authority shall be entitled to exercise the discretion, in terms of the relevant recruitment rules”

14. Even otherwise, the advertisement, insofar as the requirement of experience is concerned, was unambiguous and clearly stipulated that experience from a private sector organisation would be considered only if such organisation was “listed”. The same requirement is also contained in the Recruitment Rules, which we quote as under:

<i>Educational and other qualifications required for direct recruits</i>
(7)
<i>Essential-</i> a) xxx b) Two years' experience in Chemical Analysis or Research in a Government Department or Autonomous or Statutory Body or Recognised Institution or University or Public Sector Organisation (Undertaking) or <u>Listed</u> Private Sector organisation.
Note 1.- <i>Qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority, for reasons to be recorded in writing, in the case of Candidates otherwise well qualified.</i>
Note2.-



The qualifications regarding experience are relaxable at the discretion of the Staff Selection Commission or Competent Authority, for reason to be recorded in writing in the case of Candidates belonging to Scheduled Castes or Scheduled Tribes if at any stage of selection the Staff Selection Commission or Competent Authority, is of opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

(Emphasis supplied)

15. Though the aforesaid Recruitment Rules vest the authority with the power of relaxation, the same is to be exercised only for reasons to be recorded in writing and only where a sufficient number of SC/ST candidates possessing the requisite experience are not likely to be available to fill the vacancies reserved for them. Such power of relaxation, therefore, has to be exercised at an appropriate stage and not after the final selection process has been concluded. The petitioners cannot claim any vested right to such relaxation.

16. In the present case, on the basis of the experience claimed by them, the petitioner(s) were not even eligible to apply for the said post. Granting them relaxation at this stage would, in fact, be violative of the rights under Articles 14 and 16 of the Constitution of India vested in other similarly situated candidates who, knowing that they were not eligible to apply for the post, did not apply for the same.

17. Accordingly, we do not find any merit in the present petitions. The same are dismissed.

18. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 16, 2025/sg/DG