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

Date of decision: 24.11.2025

+ W.P.(C) 17867/2025
STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Mr.Vijay Joshi, CGSC,
Mr.Kuldeep Singh, Adv.

versus

SUNDAR SINGHRespondent
Through: Mr.Anil Singal, Ms.Vidushi
Singh, Adv.

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

NAVIN CHAWLA, J. (ORAL)

CM APPLs. 73837-38/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 17867/2025 & CM APPL. 73836/2025

2. This petition has been filed, challenging the Order dated 07.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No.767/2018, titled ***Sundar Singh v. Staff Selection Commission & Anr.***, whereby the said O.A. filed by the respondent herein was allowed with the following directions:

"9. In view of the above, the OA is allowed in the following terms:

i) The respondents shall fix separate cut-off mark for the specialized Ex-servicemen



category for the CPO-2017 examination.

ii) They shall identify the candidates belonging to the specialized Ex-servicemen, who have already qualified as per the uniform cut-off mark adopted for all ex-servicemen. The number of such selected candidates should be deducted from the 50% quota for the sub-category of specialized ex-servicemen. The remaining vacancies could have been filled from the revised merit list of the specialized Ex-servicemen adopting the separate cut-off mark. As already additional 13 candidates belonging to open ex-servicemen have been selected and they are in service for more than 6 years, it would be unfair to dislodge them from service. Under such circumstances, only 13 unfilled vacancies can be filled by adopting the separate cut-off mark for the specialized ex-servicemen.

iii) The Respondent No.1 is directed to complete this exercise within 8 weeks from receipt of certified copy of this order and send the select list of at least 13 candidates from the specialized ex-servicemen to Respondent No.2 within this period.

iv) Respondent no.2 shall exercise due diligence as per set procedure to verify the records and antecedents of such candidates and offer appointment, if they are otherwise found fit for appointment, within 4 weeks from receipt of list and dossiers as per (ii) and (iii) above.

v) The fresh appointees, if any, shall get all consequential benefits treating them at par with the appointees of the CPO-2017 examination, albeit on notional basis.”

3. The respondent had filed the above O.A. challenging the result of the Recruitment Advertisement for the Central Police Organization Examination, 2017 for various posts, including the post of Sub-Inspector (Executive)-Male in Delhi Police. There were a total of 616



posts advertised, out of these, 68 posts were reserved for ex-servicemen, out of these, 50% were further reserved for three categories of Commandos. Therefore, there were sub-reservations within the reservation for the ex-servicemen quota.

4. The petitioners, however, declared a common cut-off for all ex-servicemen applicants and continued with the appointment process. This was challenged by the respondent stating that a common cut-off would defeat the purpose of sub-categorization of quota and sub-reservation.

5. The learned Tribunal accepted this challenge of the respondent, observing as under:

“7.2 While the assertion of the learned counsel for the applicant that the social reservation for the ex-servicemen as outright vertical reservation cannot be accepted, but the spirit of Standing Order 321/2013 by keeping 50% quota for the ex-servicemen for the specialized category Commandos, will be defeated unless there is a system for ensuring that at least 50% of candidates selected with pre-determined standards should belong to the sub-category of Commandos. There may be hypothetical situation when by adopting uniform cut-off marks for all ex-servicemen, there would be none from the sub-category of Commandos, defeating the entire purpose of keeping 50% quota for the ex-servicemen reserved for the sub-category of Commandos. Hence, the sine qua non of keeping a separate sub-quota within quota is to fix a separate cut-off mark while ensuring reasonable standards of the probable candidates. This cut-off mark cannot be the same as that for the general ex-servicemen.

7.3 After fixing a separate quota for the sub-category of Commandos, the recruiting agency should have found how many had have



automatically qualified under the open ex-servicemen category on their merit. That number should have been deducted from the overall number reserved for sub-category of ex-servicemen and further selection should have been made till the sub-quota exhausts. If the recruitment agency could not find adequate number of suitable candidates from the subcategory adopting the separate cut-off mark, then only it could operate the principle in the Note below at the bottom of clause 3.2. Without fixing separate cut-off marks for the commando sub-category, the respondent No.2 could not have operated the principle under this note. Otherwise, it would, as we have analyzed with the hypothetical situation, would completely defeat the spirit and purpose of having sub-quota under quota.

7.4 In the instant case, the total number of vacancies advertised for ex-servicemen was 68; the 50% quota for the Commando Specialized category of Commandos etc. would come to 34. The final result declared by Respondent No. 1 (Annexure - IA to amended OA) shows that only 14 candidates belonging to the specialized category of specialized Ex-servicemen have been selected. Without fixing separate cut-off mark for this specialized group, the Respondent No. 1 has operated the Principle of the Note under Clause 2.3 and selected 47 candidates for the open ex-servicemen category. This action by the Respondent No. 1 is not tenable as per the Advertisement and the Standing Order 321/2013.”

6. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the reservation involved in the present case is horizontal in nature and, therefore, the candidates are required to be adjusted against the other reserved seats and categories. He submits that it was only at the stage of document verification that



the documents of certain candidates who had applied under special category of ex-servicemen, were found invalid, rendering them ineligible for appointment under that category. He submits that as they were found illegible in the special category of ex-servicemen, they have been adjusted against the general category. He further submits that, in any case, the benefit of the Impugned Order cannot flow to those who did not challenge the recruitment process at the relevant time.

7. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that the issue raised by the petitioners is now covered by the Judgment of this Court in *Vinod Kumar v. Staff Selection Commission and Ors.* 2025:DHC:9428-DB. He further submits that the petitioners themselves, while declaring the results in other recruitment processes with a special category reservation for ex-servicemen, declared a separate cut-off depending upon the number of seats that were reserved for the sub-categories. In this regard, he draws our attention to the results for the Recruitment of Sub-Inspectors in Delhi Police, CAPFs and Assistant Sub-Inspectors in CISF Examination, 2018; and the Recruitment of Sub-Inspectors in Delhi Police, CAPFs, Assistant Sub-Inspectors in CISF Examination, 2013.

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

9. Admittedly, the petitioners, while declaring the result for the recruitment process in question, did not declare a separate cut-off for the special category of ex-servicemen for which 50% of ex-



servicemen quota has been reserved. This challenge has been considered by this Court in **Vinod Kumar** (supra), wherein it was held as under:

“28. The reliance placed by the respondent no. 2 on Note III of the Corrigendum dated 09.04.2014 to the Advertisement is also ill-founded. The said Note reads as under:

“(III) Below Note II (iii) of para 2, the following clause is incorporated:-

“In case sufficient number of Ex-servicemen candidates under categories at (i), (ii) and (iii) are not available, the unfilled vacancies will be filled amongst other available Ex-Servicemen candidates”. ”

29. A reading of the above Note would show that it is only where sufficient number of Ex-Servicemen candidates under categories (i) to (iii) are not available, that the un-filled vacancies can be filled up from among the other available Ex-Servicemen candidates. In the present case, as the petitioner was available and was satisfying the requirements of the above-mentioned category for special reservation, the need for moving to candidates belonging to the General Ex-Servicemen category, while ignoring the petitioner’s candidature, has not been justified by the respondent no. 2.

30. While a candidate has no right to selection, such candidate certainly has a right to a fair selection process in terms of the Advertisement to be followed by the Authority. In the present case, the said right of the petitioner has been violated as the respondent nos. 1 and 2, on their own showing, have failed to adhere to the requirements of special reservation for the category of Ex-Servicemen, as laid down in the Advertisement.

31. The learned Tribunal has, therefore, erred in dismissing the O.A. filed by the petitioner herein.

32. This now brings us to the relief to which the petitioner would be entitled to in the



present petition.

33. From the above, it is apparent that the respondent nos. 1 and 2 have not adhered to and have not given due recognition to recruitment eligibility under the special category of Ex-Servicemen. The cut-off marks of 154.75 for the Commando Ex-Servicemen OBC category, as stated by the respondent no. 2, cannot be given any credence. The respondent no. 2 would, therefore, have to re-work the merit list to determine the cut-off for the candidates belonging to the special category of Ex-Servicemen satisfying condition nos. (i) to (iii) as stipulated in the Advertisement.”

10. Once a special sub-reservation is made within Ex-Servicemen category for Ex-Servicemen from three categories of Commandos, while declaring the cut-off marks, this sub-reservation has to be duly considered. The petitioners have not done so, but instead issued a common cut-off by considering all Ex-Servicemen as one category. This defeats the very object of reservation in favour of the sub-category.

11. As regards the plea of the learned counsel for the petitioners that the reservation for ex-servicemen is horizontal in nature, the same has already been accepted by the learned Tribunal. The same, however, will not mean that such reservation does not deserve the special recognition and treatment like other reservations.

12. Given the above, we find no merit in the challenge of the petitioners to the Impugned Order insofar as it directs the petitioners to re-work the cut-off mark for the post reserved for the special category of ex-servicemen.

13. At the same time, we find merit in the submission of the learned



counsel for the petitioners that the recruitment process pertains to the year 2017 and was concluded with the result declared on 29.01.2018; the same should not now be allowed to be re-opened for the benefit of the candidates who did not challenge it at the relevant time. Re-opening of the result at this stage would cause administrative chaos with multiple issues arising therefrom.

14. Accordingly, we modify the directions issued by the learned Tribunal only to the limited extent that the benefit of re-working of the result shall flow only to the respondent herein, or to other similarly situated candidates who had challenged the result before any forum and whose challenge has not attained finality as on today.

15. The petition, along with the pending application, is disposed of in the above terms.

16. The petitioners shall comply with the directions of the learned Tribunal, as modified by this Court, within a period of eight weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 24, 2025/Arya/Yg