



2025:DHC:6099-DB



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: 21.07.2025*

*Pronounced on: 28.07.2025*

+ W.P.(C) 10294/2025 & CM APPLs. 42712-14/2025

PRADIP KUMAR SINGH

.....Petitioner

Through: Mr.Rahul Maurya &  
Ms.Khushboo Chaudhary,  
Adv.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION &  
ORS.

.....Respondents

Through: Mr.Anil Soni, Sr. Adv. with  
Mr.Devvrat Yadav & Mr. Kush  
Garg, Adv. for R-1 & R-3  
Ms.Arunima Dwivedi, CGSC  
with Ms.Pinky Pawar, GP and  
Mr.Sainyam Bhardwaj, Adv.  
for R-2

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**J U D G M E N T**

**NAVIN CHAWLA, J.**

1. This petition has been filed by the petitioner, challenging the Order dated 29.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No.2687/2021, titled *Pradeep Kumar Singh v. All India Council for Technical Education, Through Chairman & Ors.*, whereby the learned Tribunal dismissed the O.A. filed by the petitioner.





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2. A brief background of the facts giving rise to the present petition is that the respondent no.1 had issued an Advertisement No. Admin (Estt.)/02(01)/2021 for filling up the posts of Deputy Director and Assistant Director through direct recruitment.

3. The opening date for submission of the online application form was 12.02.2021, while the last date was 03.03.2021.

4. The Advertisement prescribed the following qualification as far as experience is concerned:

*“**Experience:** Eight years’ experience at supervisory level out of which, at least four years’ experience in Teaching or Research, Educational Planning or Administration, Training in Central or State Government or University or other institutions of higher education or Autonomous Bodies or PSUs.*

*Note: Preference will be given to persons holding Doctorate degree and /or published research work with evidence of writing the technical reports.”*

5. It was further prescribed that the experience rendered by a candidate on a part-time basis, daily wages, visiting/guest faculty, will not be counted while calculating the valid experience for short-listing the candidate, and further, the date for determining the experience shall be the closing date prescribed for receipt of online applications.

We quote Paragraph 3 of the Advertisement as under:

**“3. EXPERIENCE:**

*a. The period of experience rendered by a candidate on part time basis, daily wages, visiting/guest faculty will not be counted while calculating the valid experience for short listing the candidates for interview.*

*b. The date for determining experience shall be the closing date prescribed for receipt*





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*of online applications.*

*c. The period of experience shall be counted after the date of acquiring the minimum prescribed educational qualifications prescribed for that Post.”*

6. Clause 12 (b) (iv) stated that the applicant must upload the documents to substantiate the claims made in the online recruitment application, *inter alia*, including a Certificate from the Head(s) of the Organisations/Departments for the entire experience claimed, specifying the duration of employment, the basic pay and allowances, and the nature of duties performed/experience obtained in the post, along with duration. We quote the said Clause as under:

**“12. HOW TO APPLY:**

xxx

*b) Applicant must upload the documents (as PDF file to substantiate the following claims made in the Online Recruitment Application (ORA):*

xxx

*iv. Certificate(s) from the Head(s) of Organization(s)/Department(s) for the entire experience claimed, clearly mentioning the duration of employment (date, month & year) indicating the basic pay and allowances. The certificate(s) should also mention the nature of duties performed/experience obtained in the post(s) with duration(s).”*

7. The petitioner applied for both posts on 03.03.2021, which was the last date for the submission of the application.

8. The petitioner also claims to have applied on the same day, that is, 03.03.2021, to the General Manager (Personnel and Vigilance), National Scheduled Tribes Finance and Development Corporation (hereinafter referred to as ‘NSTFDC’), his employer, seeking an





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Experience Certificate.

9. The petitioner states that on the same day, that is, 03.03.2021, an inaccurate Experience Certificate was issued to him, which was not in the prescribed format. Therefore, he submitted a representation to his employer requesting issuance of the Certificate in the desired format.

10. The petitioner claims that the said document was provided to him only on 29.10.2021. In the meantime, the petitioner appeared in the written test on 25.08.2021 and was informed *vide* an email on 28.10.2021, that the result had been declared.

11. The petitioner claims that even the Certificate issued on 29.10.2021, did not meet the requirements of the Advertisement, and another amended certificate was issued by the NSTFDC on 26.11.2021.

12. In the meantime, on 08.11.2021, the respondent published a Public Notice listing the candidates who had been shortlisted for the interview for the post of Assistant Director, along with the reasons why some candidates were not found eligible. As far as the petitioner is concerned, his candidature was rejected with the following remarks:

*“Remarks: Inadequate experience as per RR.  
Not recommended”*

13. The petitioner, being aggrieved by the same, submitted representations to the respondent no.1 and, having received no response, filed the above O.A..

14. The learned Tribunal, as noted hereinabove, dismissed the O.A. filed by the petitioner, observing as under:





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*“7. The short issue before us is whether the certificate provided the applicant’s present Organization, issued after the cut off date, i.e., 03.03.2021, can be considered for the offer of appointment. The Experience Certificate of the applicant dated 29.10.2021, was issued after the cut off date of 03.03.2021, with a significant delay of almost seven months. This scenario differs from situations where certificates are issued prior to the cut-off date but are not submitted due to various reasons. Here, the certificate’s late issuance is notable. Furthermore, upon reviewing the certificate, it confirms the Applicant’s role as Manager (Project) but fails to provide details about the nature of duties performed, which is a specific requirement mentioned in para 12(b)(iv) of the Advertisement dated 12.02.202. For the sake of better appreciation, para 12 (b)(iv) and the certificate dated 29.10.2021 is reproduced herein below:.....”*

15. The learned Tribunal found that not only was the Experience Certificate dated beyond the cut-off date prescribed in the advertisement, but also that the same is not in the prescribed format and does not meet the required standard of experience, as it lacks crucial details about the nature of duties performed by the petitioner.

16. Aggrieved by the same, the petitioner has filed the present petition.

17. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the petitioner had the required experience as on the closing date for the receipt of the applications. He submits that merely because the Certificate was issued later by the NSTFDC, the candidature of the petitioner could not have been rejected. In support, he places reliance on the Judgments of the





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Supreme Court in *Hemani Malhotra v. High Court of Delhi*, (2008) 7 SCC 11; *Rakesh Kumar Sharma v. State (NCT of Delhi) & Ors.*, (2013) 11 SCC 58; *State of Punjab v. Dharam Singh*, 1968 SCC OnLine SC 66; *Md. Muzaffar Alam v. State of Bihar & Ors.*, (2001) 10 SCC 169; and *Mohd. Sohrab Khan v. Aligarh Muslim University & Ors.*, (2009) 4 SCC 555.

18. He further submits that, in any case, the learned Tribunal ought to have adopted a more liberal approach, as the submission of the Certificate in the prescribed format was merely procedural and not a substantive requirement. In support of this contention, he places reliance on the Judgment of the Supreme Court in *K. Manjusree v. State of Andhra Pradesh & Anr.*, (2008) 3 SCC 512.

19. Placing reliance on the Judgment of the High Court of Orissa in *Varsachala Chetan v. State of Odisha & Anr.*, (2021) SCC OnLine Ori 1969, he submits that, having allowed the petitioner to participate in the written examination, the respondent no.1 is not only estopped from challenging his qualification/experience, but a legitimate expectation of being considered in the selection process has also accrued in favour of the petitioner. He submits that, therefore, the respondent no.1 ought to have acted in accordance with the principles of natural justice. In support, he places reliance on the Judgment of the Supreme Court in *Union of India and Ors. v. Alok Kumar*, (2010) 5 SCC 349.

20. We have considered the submissions made by the learned counsel for the petitioner; however, we find no merit in the same.





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21. As is evident from the Clauses of the Advertisement, it prescribed not only the required experience but also the format in which the Experience Certificate was to be obtained from the employer by the candidate, along with the essential details that were required to be stated in the Experience Certificate. The candidates were clearly warned that the Experience Certificate must be uploaded along with the application form before the closing date of receipt of the applications.

22. Admittedly, the petitioner did not upload the Experience Certificate in the prescribed format or containing the prescribed details. Even assuming that this was due to a mistake on the part of the NSTFDC, however, the petitioner, having applied on the very last date for submission of the application as prescribed in the Advertisement, cannot shift the entire blame onto his employer.

23. It is not disputed before us that the Certificate in the prescribed format and containing the required details was issued by the NSTFDC, the employer of the petitioner, only on 26.11.2021, that is, after the rejection of the candidature of the petitioner by the Public Notice dated 08.11.2021 issued by the respondent no. 1. In such a circumstance, the rejection of the candidature of the petitioner cannot be faulted. In fact, extension of the last date for submission of the prescribed Experience Certificate would have been arbitrary and discriminatory and therefore, cannot be allowed.

24. In *Hemani Malhotra* (supra), the Court was considering the prescription of cut-off marks in the viva-voce test, which had not been





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mentioned in the Advertisement.

25. In **Rakesh Kumar Sharma** (supra), the Supreme Court, in fact, held that the qualification of a candidate must be determined as on the last date for submission of the application form, unless otherwise provided. It was further held that granting any relaxation to a candidate would be discriminatory, inasmuch as others who had similar deficiencies might not have applied for the post pursuant to the Advertisement.

26. In **Md. Muzaffar Alam** (supra), the Court found that the Public Service Commission had extended the benefit of due consideration to persons similarly situated as the appellant therein. The Court, therefore, held that excluding the appellant therein would be discriminatory and unreasonable. It was on those facts that the Court granted relief to the appellant therein.

27. In **K. Manjusree** (supra), it was held that prescribing minimum marks for the viva-voce was not permissible after the written test had been conducted. The said judgments, therefore, would have no application to the facts of the present case, as this is not a case of prescribing an additional qualification/requirement post the Advertisement, but of fulfilling the one that had been prescribed in the Advertisement itself.

28. In **Mohd. Sohrab Khan** (supra), the Supreme Court again found that the qualification had been changed midstream in the selection process by the University. The Court held that such a change is not permissible.





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29. In *Dharam Singh* (supra), the Court was considering whether there was a deemed confirmation upon completion of the period of probation. The said Judgment, therefore, also has no application to the facts of the present case.

30. In *Varsachala Chetan* (supra), the High Court of Orissa found that the Advertisement did not mention completion of housemanship or possession of a Medical Registration Certificate under the Dentist Act, 1948, as a requirement. It was on those facts that the Court held that rejection of the candidature for non-submission of those documents could not be sustained.

31. As far as the submission on lack of notice prior to the rejection of the candidature is concerned, since the petitioner was found ineligible for the post due to the lack of an Experience Certificate, the question of holding an inquiry does not arise. The reliance of the petitioner on the Judgment in *Alok Kumar* (supra) is, therefore, ill-founded.

32. For the reasons stated hereinabove, we find no merit in the present petition. The same is, accordingly, dismissed. The pending applications also stand disposed of.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 28, 2025/sg/DG**