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

Date of decision: 28.07.2025

+ W.P.(C) 9811/2024

LALIT MEENA

.....Petitioner

Through: Mr.Mohit Mudgal, Mr.Sandeep
Yadav, Ms.Eti Kushwaha,
Mr.Saket Kumar, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Shankar Kumar Jha, SPC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 01.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1025/2022, titled ***Manoj Kumar & Ors. v. Union of India & Anr.***, dismissing the said O.A. filed by the petitioner herein.

2. As a brief background of facts in which the present petition arises, the respondents had issued a Notification/Advertisement dated 23.12.2021 for various Group 'B' and Group 'C' posts in different Ministries/Departments/Organizations of the Government of India and



various Constitutional bodies, Statutory bodies, Tribunals, etc. The petitioner had applied under the same, however, his candidature was rejected by the respondents *vide* Communication dated 01.04.2022 on the ground that the photo uploaded by the petitioner was not acceptable as the petitioner had uploaded his photograph with spectacles. The petitioner, along with various others, therefore, approached the learned Tribunal in the form of the above O.A. challenging rejection of his candidature.

3. Before the learned Tribunal, it was mentioned that the candidature of the petitioner had been rejected because in the application form, he had uploaded his photograph with spectacles, which was prohibited by the advertisement. The learned Tribunal, placing reliance on the decision dated 05.03.2020 of the Supreme Court in W.P.(C) 234/2018 titled ***Shantanu Kumar & Ors. v. Union of India & Ors.***, dismissed the petition. It was observed by the learned Tribunal as under:

“16. The learned counsel for the applicants states that the Judgment of Shantanu Kumar & Ors. v. Union of India & Ors as stated by Respondent matter was decided in this case but this case does not directly deal with present OA(1025/2022). There were two aspects of the report submitted by the Committee. The first aspect deals with the malpractice said to have been committed in the Combined Graduate Level Exam II, 2017 in which about 1.5 lakhs candidates appeared. The other aspect is the one pertaining to reforms of this examination. In the second aspect which is related with the reform in the examination process does not directly deal with that candidates bearing spectacle should not allow in the examination. It only indicates



that identification of the candidates should be done properly, and no dummy/fraud candidate should be allowed to appear in the examination. A photograph bearing spectacle in which face and eyes of the applicants are clearly visible cannot indicate that the person is trying to deceive or take undue advantage in the process of selection, as at each stage of the selection process, a candidate goes through photograph and biometric verification.”

4. Aggrieved thereby, the petitioner has filed the present petition.
5. The learned counsel for the petitioner, placing reliance on the judgment of the Supreme Court in ***Vashist Narayan Kumar v. State of Bihar & Ors.***, 2024 SCC OnLine SC 2; and of this Court in ***Ajay Kumar Mishra v. Union of India & Ors.***, 2016 SCC OnLine Del 6553 and ***Union of India & Ors. v. Sumit Kumar***, 2017 SCC OnLine Del 10138, submits that uploading a photograph with spectacles is a minor infraction, and the same cannot result in the cancellation of the candidature of the petitioner.
6. He submits that pursuant to the *interim* order passed by the learned Tribunal, the petitioner participated in the selection process and has successfully cleared the same. He submits that it is iniquitous for the candidature of the petitioner to now be cancelled for an inadvertent mistake committed by the petitioner.
7. He further submits that one more candidate, namely Mr. Pradeep Chauhan, had also uploaded a photograph with spectacles for the CGL Examination 2021, which had the same condition, however, the respondents admitted the candidature of the said person. He submits that similarly, the candidature of another candidate, namely Ms. Rashi



Aggarwal, was admitted by the respondents for the CHSL 2021, though it was arbitrarily rejected for the CGLE-2021. He submits that this itself shows the arbitrariness in the actions of the respondents.

8. On the other hand, the learned counsel for the respondents has drawn our attention to various Clauses of the Advertisement, which clearly warned the candidates that the photograph should be without a cap, spectacles, and that both ears should be visible. He submits that it was further warned that if a proper photograph is not uploaded by a candidate, their candidature shall be cancelled. He submits that the same was also demonstrated by various sample photographs, which clearly depicted what kinds of photographs were acceptable and what kind of photographs were not acceptable. He submits that the decision to require the photographs without spectacles was prompted by various incidents of fraud and impersonation found in the examination. He places reliance on the judgment dated 21.04.2022 of the Calcutta High Court in WPA No.6850/2022, titled *Snehasis Mitra v. Union of India & Ors.*, to submit that for a similar infraction, the cancellation of the candidature of the candidate therein was upheld. He submits that the Supreme Court in *Shantanu Kumar* (supra), directed that the recommendations of the Committee appointed by the Court shall be implemented without delay; it is in compliance thereof that paragraphs 9.2 and 23(s) were incorporated in the notice of CGLE-2021.

9. He further places reliance on the judgment of the Supreme Court in *Divya v. Union of India*, 2023 SCC OnLine SC 1305, and of this Court in *Neha Gola v. Commissioner of Police & Anr.*, 2023



SCC OnLine Del 7417.

10. The learned counsel for the respondents further submits that as per his instructions, no candidate who had uploaded their photograph with spectacles, were allowed to participate in the selection process.

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

12. The Advertisement/Notification in paragraphs 9.2 and 9.3 thereof specifically cautioned the candidates as under:

*“9.2 In the online Application Form, candidates are required to upload the scanned colour passport size photograph in JPEG format (20 KB to 50 KB). The photograph should not be more than three months old from the date of publication of the Notice of Examination. Image dimension of the photograph should be about 3.5 cm (width) x 4.5 cm (height). **The photograph should be without cap, spectacles and both ears should be visible.**”*

*9.3 If the proper photograph is not uploaded by a candidate, his candidature will be cancelled. **Specimen of photographs which are acceptable/not acceptable is given at Annexure-V.**”*

(Emphasis supplied)

13. The Advertisement further gave the specimen photographs showing what was acceptable and what was not acceptable. The photograph with spectacles was clearly mentioned to be not acceptable.

14. Clause 23(s) further reiterates that the photograph should be without cap, spectacles and that both ears should be visible. We reproduce the said clause as under:



“Important Instructions to Candidates:

*(s) In the online application form, candidates are required to upload the scanned colour passport size photograph in JPEG format (20 KB to 50 KB). The photograph should. not be more than three months old. Image dimension of the photograph should be about 3.5 cm (width) x 4.5 cm (height). **The photograph should be without cap, spectacles and both ears should be visible. If the proper photograph is not uploaded by a candidate, his candidature will be cancelled. Specimen of photographs which are acceptable/not acceptable is given at Annexure-V.***

(Emphasis supplied)

15. As noted hereinabove, the respondents have asserted that these conditions were added to the subject notification only because of the recommendations of the Expert Committee appointed by the Supreme Court and whose recommendations were accepted by the Supreme Court. The rationale behind the above condition is to prevent impersonation in the examination and prevent fraud or misrepresentation.

16. In *Snehasis Mitra* (supra), the Calcutta High Court emphasised that the candidate is to abide by the specifications mentioned in an advertisement, including submitting a photograph without spectacles.

17. In *Neha Gola* (supra), the learned Single Judge of this Court has observed that it is not within the domain of the Courts, exercising the extraordinary powers under Article 226 of the Constitution of India, to enter into the merits of a recruitment process, and emphasised that any candidate applying for a government job, or for that matter any job, shall fill the application form carefully. Once the candidate is aware of the terms and conditions mentioned in the advertisement, it is



the duty of the candidate to remain vigilant, and to fill the application form properly for the candidature to be considered valid.

18. ***Vashist Narayan Kumar*** (supra) was a case where the candidate had given the wrong date of birth in the application form, which was not material as the candidate was otherwise eligible for the post. The candidate had also been allowed to appear in the examination and had successfully cleared the same. It was on the basis of those facts that the Court held that penalization of the candidate by way of cancellation of his candidature on the ground of a typographical error, was arbitrary, unreasonable, harsh, and disproportionate. This Court in the said judgment also placed reliance on the judgment of this Court in ***Ajay Kumar Mishra*** (supra), highlighting that where the candidate had participated in the selection process and cleared all the stages of selection, his candidature can only be cancelled after careful scrutiny of the gravity of the lapse and not for trivial omissions or errors.

19. In the present case, the petitioner had participated in the selection process only because of the *interim* order passed by the learned Tribunal, and not because the respondents had allowed him to do so. Therefore, the petitioner cannot obtain any advantage from such participation.

20. Regarding the plea of the petitioner that the candidature of other candidates has been allowed despite the fact that their photographs were also not in conformity with the advertisement, we may only note that one wrong act will not allow another to take benefit of the same; no claim based on Article 14 of the Constitution of India can be made



2025:DHC:6160-DB



on an illegality. In any case, those candidates were appearing in an examination different to the one in issue in the present petition.

21. In view of the above, we find no merit in the present petition. The same is accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 28, 2025/Arya/SJ