



2025:DHC:9191



\$~14

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

%

Decided on: 14.10.2025+ **W.P.(C) 15398/2025 & CM APPL. 63080/2025****JASWANT KUMAR**

.....Petitioner

Through: Mr. Manoj A. George, Mr. Rizwan Ahmad, Mr. Shakeel Ahmed, Mr. Shivam Yadav, Mr. Himanshu Gupta, Ms. Shilpa Liza George, Ms. Brinda Bhuttiprolu, Advocates.

versus

NTPC LIMITED THROUGH ITS CHAIRMAN-CUM-MANAGING DIRECTOR & ANR.

.....Respondent

Through: Mr. Akshit Pradhan, Mr. Yogesh Verma, Advocates for R-1.

CORAM:**HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J (ORAL)**

1. The petitioner was a candidate for employment as an Engineering Executive Trainee (Civil) in NTPC Limited ["NTPC"] through the Graduate Aptitude Test in Engineering, 2024, pursuant to an advertisement dated 25.01.2025. He has filed this writ petition under Article 226 of the Constitution, seeking further time to undergo pre-employment medical examination and join the post. He also seeks setting aside of a communication dated 19.09.2025, by which NTPC has treated his candidature as closed.



2. I have heard Mr. Manoj V. George, learned counsel for the petitioner, and Mr. Akshit Pradhan, learned counsel for NTPC.

3. The advertisement dated 25.01.2025 called for recruitment of Engineering Executive Trainees in several disciplines, including 50 vacancies in Civil Engineering. The petitioner applied in the Scheduled Caste category, for which 16 vacancies were advertised.

4. NTPC issued an offer of appointment to the petitioner on 24.07.2025 by email. The letter stipulated the date of reporting as 07.08.2025 and the place of reporting as Gadarwara, Madhya Pradesh. In the said letter, the following stipulations were also included:

“1.0 You are required to undergo pre-employment medical examination to be conducted by Company’s Medical Officer/Board. The date for medical examination is indicated above. You will have to report empty stomach for your medical examination at the abovementioned place of reporting on the scheduled date latest by 08.00 AM. Please carry this offer letter, filled up Medical Form and 4 Passport Size Photographs along with you. For details of NTPC Medical Norms, please visit our website careers.ntpc.co.in.

xxxx

xxxx

xxxx

*6.0 Please note that this offer shall stand automatically withdrawn and cancelled without any further notice to you, if you do not mail your acceptance (in the format available on careers.ntpc.co.in) to **recruitment@ntpc.co.in** within 07 days from the date of issuance of this letter and/or if you do not report for completion of medical examination and joining formalities on the stipulated dates.”*

5. The email also included the following stipulations for extension of the period of medical examination:

“ONLY those candidates who are working/employed at any other organization & who cannot report for joining on 07.08.2025, extension (up to 1 month) can be granted subject to medical fitness. All such candidates are requested to schedule their pre-employment medical examination in advance, at any of the NTPC hospitals (refer Annexure). Please send a mail to your concerned RLI/EDC coordinator with a copy marked to recruitment@ntpc.co.in after you



*are declared medically fit seeking extension in joining along a copy of resignation letter. Subject of the mail for extension should be mentioned as “**EXTENSION REQUIRED EET 2024-Advt. no. 19/23**”. All cases granted extension will be allowed to report **ONLY ON THE NEXT SCHEDULED DATE** for joining.”*

6. The petitioner admittedly did not respond to the aforesaid offer within the stipulated period of seven days and also did not report for the medical examination scheduled on 07.08.2025. Instead, he addressed an email to the respondent on 30.08.2025, stating that he could not check his email in time, as he was suffering from medical issues and was under treatment during that period. He also attached copies of his medical records. He, therefore, sought a further opportunity to attend the medical examination on an alternative date.

7. NTPC, however, by communications dated 01.09.2025, 03.09.2025, 19.09.2025, and 24.09.2025, informed the petitioner that his offer stood closed as per its terms.

8. The principal contention advanced on behalf of the petitioner, is that he did not respond to the communication dated 24.07.2025 on account of the fact that he was suffering from acute hepatitis. Certain medical records have also been placed on record. The petitioner's treating physician has issued a certificate dated 06.09.2025, which states that the petitioner was under his treatment from 21.06.2025, until the date of the certificate, and was sick in month of June 2025 & July 2025. Although he was advised hospitalisation, the doctor has recorded that he did not get admitted due to some family issues and that he was more sick during the period 12.07.2025 to 09.08.2025. The diagnosis has been mentioned as acute hepatitis, and it is also stated that the petitioner has improved and is



currently in follow-up with improving liver function tests. Contemporaneous medical records have also been placed on record, which show that the petitioner was under treatment from 21.06.2025. However, an endorsement on 28.06.2025, records that he was “asymptomatic” and on 02.07.2025, that he was “improving”. The further consultations placed on record are of 09.08.2025 and thereafter.

9. Although it is the petitioner’s case that he was unable to open his e-mail due to his medical condition, the medical records referred to above do not, in my view, establish such a position. The offer was sent to the petitioner on 24.07.2025, and was to be accepted within seven days, i.e., by 31.07.2025. The medical records show that he was “asymptomatic” and “improving” well before this period, and did not require further treatment until 09.08.2025, after the period had already lapsed.

10. It is significant that the petitioner did not even accept the offer of appointment dated 24.07.2025 until 30.08.2025. The case is thus, not just one of the petitioner’s failure to report for the medical test on the date fixed, but also a complete lack of communication – or acceptance of the job offer - for a period of approximately five weeks since the offer was sent to his e-mail address. To require the respondent to keep open the process of acceptance of offers and medical tests, to meet every contingency, would be administratively unworkable, and I have not been shown any mandate of law which so requires.

11. Mr. George drew my attention to the judgment of the Supreme Court in *Shreya Kumar Tirkey v. The State of Jharkhand & Ors.* [SLP(C) No. 27139/2024, decided on 04.09.2025], in which the Court permitted a medical examination to be undertaken belatedly. The reasons which



weighed with the Court included the fact that the advertisement in that case did not provide for any penalty in case the applicant-candidate violated some instructions. On this basis, the judgment in *State of Tamil Nadu & Ors. v. G. Hemalathaa & Anr.* [Civil Appeal No. 6669/2019, decided on 28.08.2019] was distinguished. The Court also found that the advertisement issued by the respondent therein was ambiguous as to the date on which the candidate was expected to appear for the medical examination. The respondent was, therefore, directed to take steps to conduct the candidate's medical examination by way of a one-time exception. I am of the view that the judgment is distinguishable, first and foremost, on the ground that there was no ambiguity in the present case at all with regard to the requirement of acceptance of the offer and the medical tests. These were clearly stipulated in the offer letter dated 24.07.2025. Secondly, the offer letter also clearly stipulated the consequence of failure to respond or to complete the medical test. The case decided by the Supreme Court is distinguishable in both these respects.

12. By order dated 08.10.2025, without prejudice to the rights and contentions of the parties, NTPC was directed to file an affidavit with regard to the vacancy position. The affidavit of NTPC dated 11.10.2025 clearly states that not only the 16 vacancies in the Scheduled Caste category have been filled, but, in fact, 79 candidates have been recruited against the said vacancies. Clearly, there is no vacancy available in terms of the advertisement against which the petitioner can be adjusted. It is made clear that this Court has not been called upon, in the context of the present case, to examine as to whether 79 candidates could at all be



2025:DHC:9191



recruited against 16 vacancies as stated in NTPC's affidavit.

13. In view of the above discussion, I am unable to come to the assistance of the petitioner, in the present case. The writ petition, alongwith the pending application, is, therefore, dismissed.

14. Mr. George submits that, in the event further opportunities are granted to any other candidate to take part in the medical examination, the petitioner's case also be considered for the same. Mr. Pradhan submits that, as far as candidates in this discipline and category are concerned, there is no proposal to issue any further offers. In the event NTPC makes further offers in this category to any other candidate, it is directed to consider the petitioner's case also in the same category.

PRATEEK JALAN, J

OCTOBER 14, 2025

"pv/Bhupi/JM/