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

Date of Decision: 08th July, 2026.

+ W.P.(C) 16198/2022 & CM APPL. 50670/2022

MS SHILPA

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Anshuman Mehrotra, Advocates.

versus

SOLAR ENERGY CORPORATION OF INDIA LTD., & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Advocate for R-1 & 2.

Mr. Tanveer Ahmed Ansari, SPC for UOI.

Ms. Neha Tiwari, Advocate with Mr. Hilal Haider, GP for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Petitioner challenges the communication dated 03rd November, 2022, issued by the Solar Energy Corporation of India Ltd. [*“SECI”*], whereby her offer of appointment dated 02nd February, 2022, for the post of Supervisor (P&A) was withdrawn and cancelled and her services were *“terminated with immediate effect”*.

Factual Background

2. SECI issued Recruitment Notification No. 01/2021 inviting applications for various posts, including the post of Supervisor (P&A). For



the said post, the advertisement prescribed graduation in any discipline and a minimum of “01 year of post-qualification experience in field of Personnel & Administration”. The advertisement further stipulated that eligibility would be assessed with reference to the prescribed conditions and that candidature would be liable to rejection if the information furnished by a candidate was found to be false or otherwise not in conformity with the advertised eligibility requirements.

3. The Petitioner applied for the post of Supervisor (P&A). In her application, she claimed experience as a “*Junior Assistant*” at the National Institute of Immunology [“*NIP*”]. In describing the nature of her duties, she stated that she assisted in work relating to administration, meetings of the Governing Body, Finance Committee and Society, APAR Cell, Hindi Section, release of funds for projects, establishment and service matters.

4. The Petitioner appeared in the written examination and was provisionally selected. By communication dated 19th January, 2022, she was called upon to appear for document verification and to produce, *inter alia*, “*Complete and Proper Experience certificates/Documents issued by the Employer in support of experience details*” furnished in her application. The communication further clarified that her selection remained subject to “*fulfilment of Advertised Specifications*” and “*other eligibility conditions*”.

5. SECI thereafter issued her an offer of appointment dated 02nd February, 2022. The offer stipulated that the Petitioner’s appointment was subject to verification of the information furnished by her and further provided that, if any information contained in her application or attestation form was found to be false or incorrect, or if she was found to have wilfully suppressed any material information, her services would be liable to



termination without notice or compensation. The Petitioner joined SECI on 07th February, 2022.

6. In support of the experience claimed by her, the Petitioner furnished, *inter alia*, an appointment letter, an experience certificate and a relieving letter issued by Alankit Ltd., together with a certificate dated 27th November, 2020, issued on the letterhead of NII, stating that she was working in Administration-I as “*Personal Assistant (Outsourced)*” through Alankit Ltd. and drawing a consolidated monthly salary.

7. Upon receipt of the aforesaid documents, SECI sought verification from NII. By its response dated 01st November, 2022, NII informed SECI that the Petitioner had been engaged through Alankit Ltd. as an outsourced staff in the capacity of a “*Junior Assistant*”. NII further stated that the certificate forwarded by SECI had neither been issued by the competent department nor by an officer authorised to issue such certification, and that the designation reflected therein did not correspond with the designation held by the Petitioner. NII also informed SECI that, during the period from 11th July, 2019 to 31st January, 2021, the Petitioner had performed duties relating to Hindi typing, day-to-day office work and filing.

8. Following the aforesaid verification, SECI issued the impugned communication dated 03rd November, 2022, withdrawing and cancelling her offer of appointment dated 02nd February, 2022.

Petitioner’s Contentions

9. In support of the petition, Mr. Ankur Chhibber, counsel for the Petitioner, makes the following submissions:

9.1. The impugned order is arbitrary, stigmatic and punitive. The Petitioner had worked in Administration-I of NII through Alankit Ltd. as an



outsourced Junior Assistant, and the record establishes that she possessed the requisite experience in the field of Personnel & Administration, prescribed under the recruitment notification. The Petitioner neither concealed nor misrepresented any material fact and had throughout disclosed that she was working as an outsourced Junior Assistant.

9.2. The experience certificate issued by Alankit Ltd. establishes the Petitioner's experience as a Junior Assistant at NII. The certificate dated 27th November, 2020 issued by NII was uploaded only to evidence her consolidated salary, as outsourced employees were not issued salary slips and the said certificate had originally been obtained for the purpose of another recruitment process. The reference therein describing the Petitioner as "*Personal Assistant (Outsourced)*" was inadvertent, and the Petitioner never relied upon the said certificate either to establish her designation or to claim any benefit in respect of her experience.

9.3. The appointment letter, experience certificate and other supporting record establishes that the Petitioner discharged duties relating to Personnel & Administration. Reliance is placed upon the RTI response issued by NII, as well as office orders and other contemporaneous records, to contend that the Petitioner had assisted in administrative matters relating to grievances, RTI, APAR, FR 56(i), allotment of accommodation and other administrative functions. The RTI response corroborates the nature of duties disclosed by the Petitioner in her application form and demonstrates that the experience claimed by her was correctly disclosed.

9.4. The Petitioner was permitted to join service after physical verification of her original educational and other supporting documents. Having accepted the said documents and allowed the Petitioner to join and discharge



her duties for several months, SECI could not have subsequently terminated her appointment, without issuing a show-cause notice or affording her an opportunity of hearing. The impugned action visits the Petitioner with serious civil consequences and could not have been taken without complying with the principles of natural justice.

9.5. Without prejudice, even assuming any deficiency existed in the Petitioner's prior experience, the experience gained by her during her tenure at SECI cured such deficiency and satisfied the eligibility requirement.

Respondents' Contentions

10. Opposing the petition, Mr. Abhinav Singh, counsel for SECI, submits as follows:

10.1. The Petitioner's appointment was provisional and remained subject to verification of her eligibility and the information furnished by her. The post in question was that of Supervisor (P&A), for which the recruitment notification specifically prescribed one year's post-qualification experience in the field of Personnel & Administration. The verification of the Petitioner's credentials was undertaken in accordance with the terms of the recruitment notification and the offer of appointment.

10.2. None of the documents produced by the Petitioner establish the prescribed experience. The documents issued by Alankit Ltd., at best, show that the Petitioner was engaged as a Junior Assistant and deployed at NII, but do not certify that she possessed experience in the field of Personnel & Administration. The certificate dated 27th November, 2020 issued on the letterhead of NII, which described the Petitioner as "*Personal Assistant (Outsourced)*", was subsequently disowned by NII, which clarified that the certificate had neither been issued by the competent department nor by an



authorised officer and that the designation mentioned therein did not correspond with the Petitioner's actual designation. Further, according to NII, the Petitioner's work comprised Hindi typing, day-to-day office activities and filing work.

10.3. The Petitioner's application contained a declaration that she assisted in matters relating to administration, meetings of the Governing Body, Finance Committee and Society, APAR Cell, release of funds for projects, establishment and service matters. However, the verification from NII did not support the duties so claimed. The incorrect information furnished by the Petitioner was, therefore, not confined to the experience certificate but also extended to the particulars disclosed by her in the application form.

10.4. Merely because the Petitioner was posted in Administration-I department of NII did not establish that she possessed the prescribed experience in the field of Personnel & Administration. Had the correct nature of the Petitioner's work been disclosed, she would not have satisfied the eligibility criteria and, consequently, would neither have been provisionally selected nor issued the offer of appointment. Accordingly, SECI was justified in withdrawing the offer of appointment.

10.5. The impugned action does not amount to a punitive or stigmatic termination but constitutes withdrawal of an appointment obtained on the basis of an ineligible or non-conforming experience claim. Consequently, the principles of natural justice were not attracted, and no prior show-cause notice or opportunity of hearing was required before issuing the impugned communication.

10.6. Reliance is also placed upon the order dated 05th May, 2026, passed



by this Court in *Rajeev Kumar v. Union of India & Anr.*¹, in support of the submission that a conditional appointment may be withdrawn upon verification of eligibility.

Issues for Consideration

11. On the basis of the pleadings and the submissions advanced, the following issues arise for consideration:

(i) Whether the Petitioner possessed the prescribed “*01 year of post-qualification experience in field of Personnel & Administration*” as required under Recruitment Notification No. 01/2021.

(ii) Whether SECI was justified, in terms of the recruitment notification and the conditions of the offer of appointment, in withdrawing the Petitioner’s offer of appointment upon verification of her eligibility and the documents furnished by her.

(iii) Whether the Petitioner is entitled to reinstatement or any other relief.

Analysis

12. The Court must, at the outset, examine the eligibility condition as prescribed in the advertisement. The post advertised was that of Supervisor (P&A) and not that of a Junior Assistant. Correspondingly, the experience requirement was not satisfied merely by demonstrating one year’s employment after graduation or deployment in an office environment. The advertisement specifically prescribed “*01 year of post-qualification experience in field of Personnel & Administration*”. Thus, what assumes significance is not merely the duration of service, but the nature and relevance of the experience acquired.

13. It is well settled that, in matters of public recruitment, the eligibility

¹ W.P.(C) 1306/2023.



criteria prescribed by the employer must be applied as they stand. Neither the recruiter nor the Court can dilute, expand or substitute an essential qualification on considerations of equity or perceived equivalence. Where experience in a specified field is prescribed as an eligibility condition, the burden lies upon the candidate to demonstrate experience in that field.

14. The Petitioner's engagement at NII through Alankit Ltd. is not in dispute. The appointment letter issued by Alankit Ltd. records that she was appointed on a contractual basis as a "*Junior Assistant*" with deployment at NII. The experience certificate and relieving letter issued by Alankit Ltd. also establish that she remained deployed at NII as a "*Junior Assistant*" from 11th July, 2019 to 31st January, 2021. The bank statements placed on record corroborate receipt of salary from Alankit Ltd. These documents, however, establish only the Petitioner's engagement and deployment; they do not, by themselves, establish that she possessed the experience prescribed in the advertisement in the field of Personnel & Administration. The determinative question, therefore, is whether the record establishes that she acquired the prescribed post-qualification experience.

15. The appointment letter issued by Alankit Ltd. does not assign to the Petitioner duties relating to Personnel & Administration. It merely appoints her as a "*Junior Assistant*" with deployment at NII. Similarly, the experience certificate records her deployment as a "*Junior Assistant*" and certifies that her services were satisfactory. It does not certify that she handled personnel matters, service matters, recruitment, establishment, vigilance, APAR, disciplinary matters, HR administration or any other defined functions falling within the field of Personnel & Administration.

16. The certificate dated 27th November, 2020, issued on the letterhead of



NII, also does not advance the Petitioner's case. The certificate merely describes her as "*Personal Assistant (Outsourced)*" in Administration-I and records the consolidated salary being drawn by her. It is not a certificate certifying experience in the field of Personnel & Administration. More importantly, upon verification sought by SECI, NII clarified that the certificate had neither been issued by the competent department nor by the officer authorised to issue such certification, and that the designation mentioned therein did not correspond with the Petitioner's actual designation. The evidentiary value of the said certificate, therefore, stands substantially undermined.

17. The office orders relied upon by the Petitioner also merit consideration. One office order dated 17th June, 2020 records that, in addition to her existing responsibilities, the Petitioner was required to assist in matters relating to the "*allotment of accommodation*". Another office order dated 29th July, 2020 pertains to redistribution of work amongst outsourced Junior Assistants in Administration-I and indicates that certain office responsibilities were assigned amongst them.

18. These documents, however, must be viewed in their proper context. They indicate that the Petitioner was entrusted with assisting in certain administrative functions and was exposed to work relating to accommodation, RTI matters, grievances, APARs and FR 56(j). However, they do not establish that Personnel & Administration constituted the Petitioner's primary or substantive sphere of engagement, nor do they demonstrate that her engagement as an outsourced Junior Assistant assumed the character of one year's post-qualification experience in the specialised field prescribed under the recruitment notification. Mere proof of



engagement for the requisite duration cannot substitute proof of experience in the prescribed field. These documents are, therefore, insufficient to establish compliance with the essential experience requirement for the post of Supervisor (P&A).

19. Much emphasis is placed on the Petitioner having “*assisted*” in several administrative functions. Assisting in an administrative office or rendering assistance in particular office functions may provide exposure to administrative processes. However, the advertisement required experience in the field of Personnel & Administration. Such experience cannot be inferred merely from exposure to, or assistance in, certain administrative activities. There must be reliable contemporaneous record demonstrating the nature, substance and duration of the prescribed experience. The record relied upon by the Petitioner falls short of establishing the same.

20. The Petitioner’s application form presents a further difficulty. Therein, she stated that she had assisted in work relating to administration, meetings of the Governing Body, Finance Committee and Society, APAR Cell, Hindi Section, release of funds for projects, establishment and service matters. However, during the verification exercise, NII informed SECI that, during the relevant period, the Petitioner’s work comprised Hindi typing, day-to-day office activities and filing work. In these circumstances, SECI was justified in taking the verification furnished by NII into account while assessing whether the experience claimed by the Petitioner satisfied the eligibility requirement prescribed under the recruitment notification.

21. The Petitioner’s contention that any deficiency in her prior experience stood cured by the experience gained after joining SECI also cannot be accepted. Eligibility for appointment must be determined with reference to



the date prescribed under the recruitment notification. A candidate who does not satisfy the prescribed eligibility on that date cannot cure the deficiency by acquiring the requisite experience thereafter. The terms of the advertisement are binding both upon the candidates and the recruiting authority, and the eligibility conditions cannot be diluted after the recruitment process has commenced. The Supreme Court has consistently held that eligibility must be assessed with reference to the prescribed cut-off date, unless the advertisement itself provides otherwise.²

22. Equally untenable is the Petitioner's contention that, having been permitted to join service after document verification, SECI was precluded from subsequently withdrawing the offer of appointment. The communication dated 19th January, 2022 calling upon the Petitioner to appear for document verification, the declaration furnished by her in the application form, and the offer of appointment dated 02nd February, 2022 unequivocally stipulated that the appointment was subject to verification of the information furnished by her and fulfilment of the prescribed eligibility conditions. The appointment was, therefore, expressly conditional and subject to such verification.

23. The legal effect of such a conditional appointment is well settled. In *Satish Chandra Yadav v. Union of India*³ and *Rajasthan Rajya Vidyut Prasaran Nigam Ltd. v. Anil Kanwariya*⁴, the Supreme Court recognised that where an appointment is expressly made subject to verification of the information furnished by the candidate, the employer is entitled to act upon the result of such verification. A candidate does not acquire an indefeasible

² See *Rakesh Kumar Sharma v. State (NCT of Delhi) & Ors.* (2013) 11 SCC 58.

³ (2023) 7 SCC 536.



right to appointment or continuance in service merely because she has been provisionally selected or permitted to join pursuant to such a conditional appointment.

24. It is true that the aforesaid decisions arose in differing factual contexts, involving suppression or non-disclosure of material information. The principle that emerges, however, is applicable to the present case. The Petitioner's appointment was expressly made subject to verification of the information furnished by her. Once the verification undertaken by SECI revealed that the prescribed experience was not established, the Petitioner could not claim a right to continue in service merely because she had been permitted to join pursuant to the conditional appointment.

25. Mr. Abhinav Singh, counsel for SECI, also relied upon the order dated 05th May, 2026 passed by this Court in *Rajeev Kumar*. That decision likewise arose from a recruitment process conducted by SECI, albeit in the context of a different post and on its own facts. It cannot, therefore, be applied as a precedent on the issues arising in the present case. Nevertheless, the Court therein recognised that where an appointment is expressly made subject to verification of the candidate's credentials and eligibility, SECI is entitled to undertake such verification even after the candidate has joined service and to act upon the outcome thereof in accordance with the terms governing the appointment. To that extent, the decision lends support to the Respondents' submissions.

26. The contention that the impugned action is punitive or stigmatic is equally unpersuasive. The Petitioner's services have not been discontinued on account of any misconduct committed during the course of her

⁴ (2021) 10 SCC 136.



employment. The impugned action is founded upon the verification undertaken by SECI in relation to the eligibility material furnished by the Petitioner at the threshold of the recruitment process. A conclusion that a candidate did not possess the prescribed experience, or that the experience claimed was not borne out by the verified record, may undoubtedly have adverse consequences. However, such a conclusion does not, by itself, render the action punitive or stigmatic in nature.

27. The plea founded upon breach of the principles of natural justice also does not merit acceptance. The Respondents have consistently maintained that the Petitioner's appointment was conditional and subject to verification of her eligibility. In the facts of the present case, the impugned action is founded upon documentary verification and not upon any disputed allegation of misconduct warranting a disciplinary inquiry. In any event, even assuming that a prior opportunity ought to have been afforded, the Petitioner has had full opportunity before this Court to demonstrate that she possessed the prescribed experience in the field of Personnel & Administration. As discussed above, the record does not establish such experience. In these circumstances, remanding the matter merely for issuance of a formal notice would serve no useful purpose, particularly when no prejudice has been shown to have been caused by its absence.

Conclusion

28. For the foregoing reasons, the Petitioner has failed to establish that she possessed the prescribed post-qualification experience in the field of Personnel & Administration. Once that conclusion is reached, no enforceable right to appointment or continuation in service survives. Accordingly, this Court finds no ground to interfere with the communication



dated 03rd November, 2022.

29. The writ petition is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JULY 8, 2026/ab