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* **INTHE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision:09th July, 2026

+ W.P.(C) 7882/2026, CM APPL. 38080/2026, CM APPL. 38081/2026,
CM APPL. 38082/2026, CM APPL. 40484/2026

GOURAV TIWARI AND ORS

.....Petitioners

Through: Mr. Medhanshu Tripathi, Mr. Rajeev Kumar, Mr. Tushar Tokas, Mr. Vaibhav Tripathi, Ms. Aditi Singh, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Amit Tiwari, CGSC with Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Ayushi Srivastava, Mr. Kushagra Mailk and Mr. Ankit Khatri, Advocates.
Mr. Ujjwal Tyagi, Mr. Arpan Narwa, Ms. Nyasa Sharma, Advocates for UOI with Mr Prashant Priya Gatam, IPS.
Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal, Advocates for UPSC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Petitioners are candidates whose names appear in the UPSC



Pratibha Setu Civil Services Examination, 2024 disclosure list. They have approached this Court challenging the Mera Yuva Bharat Recruitment Rules, 2026,¹ notified on 06th May, 2026, and the subsequent recruitment notification dated 12th May, 2026, to the extent the said Rules and notification prescribe Graduation as the minimum educational qualification for appointment to the post of Assistant Director/District Youth Officer in MY Bharat. The Petitioners seek, in substance, a declaration that the vacancies identified as on 01st September, 2025 ought to be governed by the earlier recruitment framework, under which a Post Graduate/Master's degree was prescribed as the minimum educational qualification.

2. The challenge proceeds on the premise that the vacancies identified as on 01st September, 2025 formed one continuing vacancy pool; that the recruitment process in respect of that pool had commenced under the earlier framework; that some candidates from the UPSC Pratibha Setu CSE-2023 list had already been appointed under the Post Graduate qualification; and that the remaining vacancies could not thereafter be subjected to a different eligibility criterion by applying the 2026 Rules. The Petitioners also rely upon certain communications issued in April 2026 and a CPGRAMS response dated 21st April, 2026 to contend that the recruitment process for utilising the UPSC Pratibha Setu CSE-2024 list had already commenced before the 2026 Rules came into force.

Background

3. MY Bharat is an autonomous body under the Department of Youth Affairs, Ministry of Youth Affairs and Sports. It was set up as an institutional platform for youth engagement and youth-led development. The

¹ “2026 rules”



post in question is that of Assistant Director/District Youth Officer, placed in Level-10 of the pay matrix.

4. The UPSC Pratibha Setu portal is a disclosure platform containing particulars of candidates who appeared in the Civil Services Examination, qualified up to the interview stage, but were not finally recommended for appointment through the Civil Services Examination. The disclosure is voluntary. The portal does not itself conduct recruitment. It only makes available a pool of candidates to prospective recruiting bodies. This distinction is central to the present case.

5. In 2025, MY Bharat undertook its first recruitment exercise for the post of Assistant Director/District Youth Officer from the UPSC Pratibha Setu CSE-2023 list. Since MY Bharat's own dedicated Recruitment Rules had not then been framed, the recruitment was conducted by temporarily adopting/borrowing the Recruitment Rules of the erstwhile Nehru Yuva Kendra Sangathan.² Those Rules prescribed a Post Graduate/Master's degree as the minimum qualification and an age range of 21 to 30 years. The General Instructions issued at that stage recorded that the total number of direct recruitment vacancies as on 01st September, 2025 was 358, and further stated that unfilled vacancies would be filled from UPSC Pratibha Setu disclosure lists of subsequent years.

6. In the CSE-2023 recruitment cycle, 340 applications were received. Offers of appointment were issued to a substantial number of candidates and appointments were also made. The Respondents' counter affidavit records that 220 offers were issued and 179 candidates were finally appointed from the CSE-2023 recruitment cycle, with 165 having joined and 14 additional



appointment letters having been issued. The Respondents describe this as the first, distinct and completed recruitment cycle through the CSE-2023 Pratibha Setu list.

7. On 10th March, 2026, draft revised Recruitment Rules for the post of Assistant Director/District Youth Officer were placed in the public domain for stakeholder comments. The proposed Rules contemplated, *inter alia*, a change in the minimum educational qualification from Post Graduate/Master's degree to Graduation. The Petitioners and some other candidates submitted representations opposing the application of the revised qualification to vacancies identified as on 01st September, 2025 and seeking a saving clause.

8. In April 2026, official communications were issued to candidates identified from the UPSC Pratibha Setu CSE-2024 Disclosure List, informing them of potential opportunities to serve within the MY Bharat organization. These initial emails informed candidates that they had been identified through the UPSC Pratibha Setu CSE-2024 disclosure list for a potential opportunity within MY Bharat and announced an upcoming interactive webinar. These communications explicitly stated that the Department was expected to start the process of recruitment for candidates from the CSE-2024 list. Subsequently, candidates received invitations and access links for a webinar where they were briefed on the proposed recruitment process.

9. On 06th May, 2026, the Mera Yuva Bharat Recruitment Rules, 2026 came into force. The Rules prescribe Graduation in any discipline from a recognised university as the minimum educational qualification and raise the

² "NYKS"



upper age limit to 32 years. The Respondents state that this was done to align the recruitment with the general eligibility framework of the Civil Services Examination and to widen the candidate pool.

10. On 12th May, 2026, the Department of Youth Affairs issued the impugned notification inviting online applications for appointment to the post of Assistant Director/District Youth Officer from candidates figuring in the UPSC Pratibha Setu CSE-2024 disclosure list. The notification specifically provided that all vacancies for direct recruitment would be filled as per the extant Recruitment Rules applicable on the last date of submission of applications.

11. The application cycle closed on 19th June, 2026. According to the Respondents, 787 candidates applied, including the present Petitioners. Offers of appointment have since been issued to 161 candidates, including one of the Petitioners. No interim order staying either the 2026 Rules or the notification dated 12th May, 2026 has been passed.

Petitioners' submissions

12. Counsel for the Petitioners submits that the Respondents themselves identified 358 vacancies as on 01st September, 2025 under the earlier recruitment framework. The General Instructions expressly stated that unfilled vacancies would be filled from disclosure lists of subsequent years. According to the Petitioners, this stipulation is not an idle recital. It binds the Respondents to complete recruitment against the remaining vacancies from subsequent Pratibha Setu lists, including the CSE-2024 list, under the same eligibility conditions which governed the original vacancy pool.

13. It is urged that part of the 358-vacancy pool has already been filled by applying the Post Graduate qualification to candidates from the CSE-2023



list. Applying Graduation as the qualification for the remaining vacancies would result in two different eligibility regimes operating within the same vacancy pool. This, according to the Petitioners, is arbitrary and violative of Articles 14 and 16 of the Constitution.

14. The Petitioners place strong reliance on the CPGRAMS response dated 21st April, 2026, where the Respondents stated that the recruitment process for utilising the UPSC Pratibha Setu CSE-2024 list had already been initiated and that emails had already been sent to candidates identified from that list. It is submitted that this response amounts to an official admission that recruitment had commenced before the 2026 Rules were notified on 06th May, 2026.

15. The Petitioners also rely on the doctrine that the “rules of the game” cannot be changed after commencement of the recruitment process. Reliance is placed on *Tej Prakash Pathak v. Rajasthan High Court*,³ to contend that the eligibility criteria notified at the commencement of recruitment cannot be altered midstream.

16. It is further submitted that the Petitioners had a legitimate expectation that they would be considered against the remaining vacancies under the earlier framework, particularly because the 2025 instructions expressly referred to subsequent Pratibha Setu lists. The absence of a saving clause in the 2026 Rules, according to the Petitioners, is arbitrary and has caused serious prejudice to candidates who were eligible under the earlier Post Graduate qualification.

Respondents’ submissions

17. The Respondents contend that the entire case of the Petitioners rests



on a misconception. According to them, the recruitment through the CSE-2023 Pratibha Setu list and the recruitment through the CSE-2024 Pratibha Setu list are separate and independent recruitment cycles. The 2025 cycle was conducted under the then applicable borrowed NYKS Rules. That process was completed. The 2026 cycle commenced only after the 2026 rules came into force.

18. It is argued that the Pratibha Setu portal is merely a facilitative database. Identification of candidates on that portal does not amount to recruitment. Nor does availability of a disclosure list confer any right to appointment or any right to be considered under a particular set of rules.

19. The Respondents submit that the April 2026 emails and webinar invitations were only advance intimation to ensure that no candidate from the CSE-2024 list missed the opportunity once recruitment was notified. They were sent uniformly to candidates without any scrutiny, shortlisting or assessment of eligibility. The emails did not invite applications, prescribe conditions, fix vacancies, conduct scrutiny or commence selection. Therefore, they cannot be treated as commencement of recruitment under the old NYKS Rules.

20. It is further submitted that the 2026 Rules were notified on 06th May, 2026 and only thereafter the recruitment notification was issued on 12th May, 2026. Thus, there was no midstream change.

21. The Respondents also urge that the 2026 Rules liberalise and enlarge eligibility. The minimum educational qualification was changed from Post Graduate/Master's degree to Graduation, and the upper age limit was enhanced from 30 to 32 years. This brings the recruitment closer to the

³ (2025) 2 SCC 1



eligibility framework of the UPSC Civil Services Examination, from which the Pratibha Setu pool itself originates. The amendment, therefore, cannot be characterised as arbitrary or hostile.

22. Reliance is placed on *State of H.P. v. Raj Kumar*,⁴ to contend that there is no universal rule that vacancies arising before amendment of Rules must necessarily be filled under the old Rules. The Respondents also rely on *State of U.P. v. Karunesh Kumar*,⁵ to submit that candidates cannot press part of the old rules while accepting the new rules by taking part in the selection; such selective adoption is impermissible as no party can approbate and reprobate.

Points for determination

23. On the basis of pleadings and record and submissions advanced by counsel for the parties, following questions arise for determination:

- (i) Whether the identification of 358 vacancies as on 01st September, 2025 and the stipulation that unfilled vacancies would be filled from subsequent UPSC Pratibha Setu disclosure lists created one continuing recruitment process governed by the earlier NYKS Rules.
- (ii) Whether the April 2026 communications/webinar invitation and the CPGRAMS response dated 21st April, 2026 amounted to commencement of recruitment from the CSE-2024 list under the earlier Rules.
- (iii) Whether application of the MY Bharat Recruitment Rules, 2026 to the recruitment notification dated 12th May, 2026 amounts to changing the rules of the game midstream.
- (iv) Whether the 2026 Rules and the notification dated 12th May, 2026 call

⁴ (2023) 3 SCC 773

⁵ 2022 SCC OnLine SC 1706



for interference under Article 226 of the Constitution.

Analysis

24. At the outset, it is noted that the Respondents have issued an offer of appointment to Petitioner No. 17. In view thereof, Petitioner No. 17 does not wish to pursue the present proceedings. Accordingly, Petitioner No. 17 is deleted from the array of parties. An amended memo of parties shall be filed within one week.

25. The controversy must be examined by keeping distinct three concepts which the Petitioners have sought to blend together: first, identification of vacancies; second, availability of a source pool; and third, commencement of a recruitment process. Identification of vacancies may indicate administrative need. Availability of a source pool may indicate where candidates can be found. But recruitment, in law, commences only when the employer sets the process in motion for appointment by inviting applications under stated conditions.

26. The UPSC Pratibha Setu portal is not itself a recruitment process. It neither advertises a post nor applies eligibility conditions nor makes selection. It only permits recruiting organisations to access details of candidates who have voluntarily disclosed their marks and particulars. It is a convenient source of candidates, not a statutory channel which compels recruitment in a particular manner.

27. In *Tej Prakash Pathak*, the Supreme Court held that a recruitment process begins with the issuance of an advertisement and ends with the filling of notified vacancies. It further held that eligibility criteria notified at the commencement of recruitment cannot ordinarily be changed midway, unless permitted by the governing Rules or the advertisement, and subject



always to the test of Article 14. The principle is one of fairness: candidates must know the terms on which they enter the process.

28. The principle in *Tej Prakash Pathak* has no quarrel with the proposition that the Rules in force on the date of the recruitment notification would govern the process. The question, therefore, is whether recruitment from the CSE-2024 list had already commenced under the old Rules before 06th May, 2026. On the record, the answer must be in the negative.

29. The emails dated 16th/17th April, 2026 do not invite applications. They neither involve any scrutiny or shortlisting of candidates for appointment, nor prescribe eligibility conditions, indicate the number of vacancies, or set out any selection criteria. The emails merely inform the recipients that they had been identified through the UPSC Pratibha Setu portal for a potential employment opportunity and state that the Department is expected to commence the recruitment process. The language employed is clearly anticipatory and indicative of a future exercise, rather than operative of an ongoing recruitment process.

30. The CPGRAMS response dated 21st April, 2026, on which the Petitioners place considerable reliance, uses the expression that the recruitment process for utilising the Pratibha Setu CSE-2024 list had already been initiated. That expression must be read in context. Administrative replies to grievances are not recruitment notifications. Nor do they determine the legal commencement of a selection process. At best, the response shows that preparatory steps were underway and that communications had been sent to candidates. It cannot override the legal position that applications were first invited by the notification dated 12th May, 2026, after the 2026 Rules had come into force.



31. Recruitment law cannot be made to turn on loose administrative phrasing divorced from the surrounding facts. If an email calling candidates to a webinar, or a grievance reply stating that a process has been “initiated”, were to be treated as commencement of recruitment, uncertainty would replace the legal certainty associated with a formal recruitment notification. Candidates, courts and recruiting authorities would then be compelled to identify the earliest informal administrative step, file movement, or outreach communication in order to determine the governing Rules. Such an approach finds no support in law. The fair, objective and ascertainable point of commencement remains the issuance of a recruitment notification inviting applications from eligible candidates.

32. The Petitioners’ next submission is that the 2025 General Instructions created one continuing recruitment process because they stated that unfilled vacancies would be filled from subsequent Pratibha Setu lists. The submission is attractive at first glance, but does not withstand closer scrutiny.

33. The stipulation that unfilled vacancies would be filled from subsequent Pratibha Setu lists is, properly understood, a provision identifying the source from which future vacancies are to be filled. It indicates that if vacancies remained, the organisation could continue to use the Pratibha Setu mechanism in subsequent years. It does not imply that the educational qualification then in force would remain frozen for all future recruitments. It does not state that subsequent lists would be considered under the NYKS Rules irrespective of any later Rules framed specifically for MY Bharat. Nor does it contain any saving clause preserving the earlier qualification for future recruitment cycles.



34. A clause permitting recourse to subsequent disclosure lists cannot be read as a fetter on the rule-making power of the competent authority. The earlier NYKS Rules were, on the Respondents' own showing, only temporarily borrowed because dedicated Rules for MY Bharat had not been notified. Once dedicated Rules were framed for MY Bharat, future recruitment had to conform to those Rules unless a saving provision expressly preserved the earlier regime. No such saving provision exists.

35. The Petitioners' case substantially rests on the proposition that because the vacancies were identified on 01st September, 2025, they must continue to be filled under the Rules then in force. That proposition is no longer available as an absolute rule.

36. In *State of H.P. v. Raj Kumar*, the Supreme Court considered the earlier line of authority beginning with *Y.V. Rangaiah v. J. Sreenivasa Rao*,⁶ and clarified the law. It held that there is no rule of universal application that vacancies must necessarily be filled on the basis of the Rules which existed on the date when they arose. It further held that the right to be considered arises on the date of consideration and under the Rules then in force; and that the Government is entitled, for fair and reasonable reasons, to take a policy decision not to fill earlier vacancies under the repealed or amended Rules. The Court overruled *Rangaiah* to the extent it was understood to mandate, in all cases, that vacancies be filled under the Rules in force on the date of their occurrence.

37. The principle emerging from *Raj Kumar* is particularly relevant here. The Petitioners do not have a vested right that vacancies identified on 01st September, 2025 must be filled under the borrowed NYKS Rules. At the



highest, they have a right to fair consideration in accordance with the Rules applicable to the recruitment in which they participate. Since the CSE-2024 recruitment was notified on 12th May, 2026, after the 2026 Rules had come into force, the Petitioners' eligibility and consideration are governed by the 2026 Rules.

38. The Petitioners seek to distinguish their case by saying that the 2025 instructions expressly referred to subsequent Pratibha Setu lists. That distinction does not assist them. Even if subsequent Pratibha Setu lists could be used as a source, the Rules governing consideration from those lists would still be the Rules in force when the recruitment from those lists is notified. A source of candidates is not the same as a guarantee of unchanged eligibility.

39 There is also no substance in the plea that two eligibility regimes have been applied to the "same vacancy pool" in an unconstitutional manner. The premise assumes what has to be proved: that the 358 vacancies constituted one continuing recruitment cycle across different CSE years. The record shows otherwise. The CSE-2023 process was conducted under the then applicable borrowed Rules and substantially completed. Thereafter, MY Bharat framed its own dedicated Rules, and a fresh notification was issued for the CSE-2024 disclosure list. The two exercises used the same source mechanism, namely Pratibha Setu, but that does not make them one recruitment process.

40. The change made by the 2026 Rules is also not arbitrary. The qualification has been liberalised from Post Graduation to Graduation, and the upper age limit has been enhanced from 30 to 32 years. The Respondents

⁶ (1983) 3 SCC 284



have explained that this aligns the recruitment with the wider eligibility conditions of the Civil Services Examination, from which the Pratibha Setu pool is drawn. The effect of the amendment is to enlarge the field of eligible candidates, not to narrow it. A candidate already possessing a Post Graduate degree is not rendered ineligible; he or she is only required to compete in a wider field. This does not amount to legal prejudice.

41. It is settled that prescription of educational qualification for a post is primarily within the domain of the employer and the rule-making authority. The Court does not sit in appeal over the wisdom of such prescription unless it is shown to be manifestly arbitrary, irrational, mala fide, or contrary to a statutory provision. No such case is made out. Graduation as a minimum qualification for recruitment from a pool of candidates who have appeared in the Civil Services Examination cannot be described as irrational.

42. The plea of legitimate expectation also does not carry the matter further. *Tej Prakash Pathak* recognises that candidates participating in a recruitment process have a legitimate expectation that the process will be fair and non-arbitrary. But legitimate expectation cannot compel the State to maintain an earlier recruitment rule indefinitely. Nor can it prevent the competent authority from framing dedicated Rules for a newly constituted organisation, particularly where the change expands rather than restricts eligibility.

43. A legitimate expectation must rest on a clear, unambiguous and consistent representation. The 2025 clause that unfilled vacancies would be filled from subsequent disclosure lists is not a representation that the eligibility requirements would remain the same for every future recruitment cycle. It is a representation only as to the possible source from which



candidates may be considered. It cannot be stretched to create an enforceable promise that subsequent recruitment would be insulated from future Rules.

44. The Petitioners also challenge the absence of a saving clause. But a saving clause is a matter of legislative or rule-making choice. The Court cannot require the competent authority to incorporate a saving clause merely because an alternative transitional arrangement was also available. In matters of service policy, the relevant enquiry is not whether a different approach could have been adopted, but whether the approach actually adopted is arbitrary, irrational, or otherwise contrary to law. The validity of the 2026 Rules must be tested on that standard. In the present case, the absence of a saving clause does not, by itself, render the Rules unconstitutional or invalid.

45. The argument regarding non-consultation or inadequate procedural compliance in framing the 2026 Rules is also not established. The record shows that draft Rules were placed for stakeholder comments on 10th March, 2026 and the final Rules were notified thereafter. The Petitioners have not shown any mandatory statutory requirement which, if not complied with, would invalidate the Rules. In judicial review of recruitment rules, the burden lies on the challenger to demonstrate a clear legal infirmity. That burden has not been discharged.

46. The Petitioners' reliance on representations submitted in March-April 2026 only shows that they requested protection of the earlier framework. The representations do not create rights. The Respondents were required to consider the stakeholder comments received on the draft Rules; they were not bound to accept them. The final Rules having been brought into force on



06th May, 2026, recruitment thereafter had to follow those Rules.

47. The Respondents have placed reliance on *Karunesh Kumar* to contend that candidates who participate in a recruitment process cannot ordinarily turn around and challenge it after finding themselves unsuccessful. The Court is conscious that some Petitioners had raised objections even before the notification dated 12th May, 2026 and, therefore, this is not a case where the challenge is founded solely on disappointment after failure. For that reason, the petition is not being dismissed merely on the principle of estoppel. However, the fact remains that after the 2026 Rules were notified and the 12th May, 2026 notification was issued, the Petitioners applied under that very process. The process has substantially progressed; 787 candidates applied and offers have been issued to 161 candidates. In such a situation, absent a clear illegality, the Court would be slow to unsettle the process, particularly where the challenge, if accepted, would adversely affect a larger class of candidates who became eligible under the liberalised Rules.

Conclusion

48. The real grievance of the Petitioners is against the broadening of the competition. Candidates possessing Post Graduate degrees may have had a narrower field of competition under the old framework. The 2026 Rules enlarge that field by including graduates. But public employment under Articles 14 and 16 does not guarantee a restricted field of competition unless the restriction is mandated by law. The State is entitled to dilate eligibility, provided it does so prospectively, transparently and for reasons which are not arbitrary or capricious and germane to the recruitment process. That is precisely what has happened here.

49. The Court therefore holds that the recruitment process from the UPSC



Pratibha Setu CSE-2024 list commenced with the notification dated 12th May, 2026, and not with the April 2026 emails or webinar. By 12th May, 2026, the MY Bharat Recruitment Rules, 2026 had already come into force. There was, therefore, no change in the rules of an ongoing recruitment process.

50. The clause in the 2025 instructions regarding unfilled vacancies being filled from subsequent Pratibha Setu lists did not create a vested right in favour of candidates from later disclosure lists to be considered under the earlier NYKS Rules. It merely indicated that the Pratibha Setu mechanism could continue to be used as a source for recruitment. The governing eligibility would be the eligibility prescribed by the Recruitment Rules applicable to the recruitment actually notified.

51. The Respondents' decision to frame dedicated Rules for MY Bharat and to apply them to a fresh recruitment notification issued thereafter is neither arbitrary nor unconstitutional. The 2026 Rules are prospective. They do not unsettle appointments already made under the CSE-2023 cycle. They apply only to the recruitment notified after their commencement.

52. For the reasons aforesaid, the Petitioners have failed to establish that the MY Bharat Recruitment Rules, 2026 or the notification dated 12th May, 2026 suffer from any illegality warranting interference under Article 226 of the Constitution.

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

SANJEEV NARULA, J

JULY 9, 2026/ab