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

% *Date of Decision : 01.04.2026*

+ W.P.(C) 4161/2026

VIVEK KUMAR RAI

.....Petitioner

Through: Mr. T. S. Nanda, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Akash Vajpai, CGSC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 20365/2026

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 4161/2026, CM APPL. 20364/2026, CM APPL. 20366/2026

3. The petition has been filed by the petitioner seeking following prayers:-

“i. Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing the Respondents to consider the Petitioner as an eligible candidate for the post of Tradesman Mate (TMM) pursuant to the advertisement dated 26.08.2023 issued by the Respondent No.4, Headquarters, Andaman and



Nicobar Command;

ii. Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing the Respondents to treat the Bachelor of Computer Applications (BCA) Degree of the Petitioner as a valid and/or higher qualification for the said post, instead of insisting upon the ITI Certificate;

iii. Issue a Writ of Certiorari or any other appropriate writ, order, or direction, quashing and setting aside the Impugned Letter dated 14.02.2026 (ANNEXURE P-1) issued by Respondent No. 4, as being arbitrary and violative of the principles of natural justice;

iv. Issue a Writ of Mandamus or any other appropriate writ, order, or direction, directing the Respondents to forthwith issue the Joining Letter to the Petitioner with all consequential benefits including seniority;”

4. In effect, the petitioner is challenging the order dated 14.02.2026 whereby the respondents have conveyed to the petitioner their decision for not treating the petitioner eligible for the post of Tradesmen Mate by stating as under:-

“1. Refer to CPGRAM complaint registration number MODEF/E/2026/0000303 dated 08 Jan 26 was received at this office on 12 Jan 26.

2. Post scrutiny of the matter it is submitted that the candidate possesses a Bachelor of Computer Applications (BCA) degree and had submitted the said certificate at the time of application and written examination. However, as per para 4 of the advertisement published in the Employment News dated 26 Aug-01 Sep 23, the essential qualification for the post of Tradesman Mate is an ITI certificate, which the candidate does not possess.

3. Further, the candidate is required to participate in the recruitment process only after verifying that applicant fulfils all eligibility conditions mentioned in



the advertisement. In this regards, following paragraphs of the advertisement also relevant for the said recruitment.

3.1 Para 7(f). "Provisional Appointment Letter. The appointment of the provisionally selected candidate will be strictly based on the merit position in the written examination subject to satisfactory verification of documents, medical examination and other requirements as specified by Government of India and Appointing Authority."

3.2 Para 11(b). "The applicant must possess the required criteria and educational qualification as mentioned in the recruitment advertisement."

3.3 Para 12(c). "The applicant should ensure that he/she fulfils the eligibility and other norms mentioned in the advertisement. Particulars furnished in the Application Form should be correct in all respects. If any false or incorrect information furnished by the applicant is detected at any stage, his/her candidature will be cancelled without prejudice to taking legal action against him/her."

3.4 Para 14 (a). "Your candidature to the recruitment test is provisional subject to being found eligible in all respects."

3.5 Para 14 (b) (xiv). "Candidature can also be cancelled at any stage of recruitment for any other ground which the Competent Authority considers to be sufficient cause for cancellation of candidature."

3.6 Para 14 (f). The candidate must note that the verification of the eligible condition, i.e. age, educational qualification etc with reference to original documents for only those candidates who qualify in the recruitment test will be carried out by the Competent Authority. Unless the candidature is formally confirmed by the



Competent Authority, it continues to be 'Provisional'."

3.7 Para 14 (p). "If the candidate not found to posses the essential qualification."

3.8 Para 19 (q). ITI trade eligible to apply the said recruitment is information Technology of 4 Semi 2 year with respect to the subject individual

4. Additionally, para 14 U) of the advertisement states "calling for written examination/pre-recruitment formalities does not entitle any individual for appointment to the advertised post. Candidature of any individual may be cancelled for the said post. If at any stage, it is found that the individual does not fulfill the eligibility criteria for the advertised post. The decision of the Competent Authority regarding issuing of appointment order to the individual for the said post will be final".

5. Accordingly, upon qualifying in the recruitment test and subsequent scrutiny of the candidate's documents, it was found that the candidate does not possess the essential ITI qualification. Therefore, as the candidate does not fulfill the eligibility criteria prescribed in the advertisement, the Offer of Appointment has not been issued.

5. The submission of Mr. T. S. Nanda, learned counsel for the petitioner is that the respondents did not really specify the reasons for which he had been treated as not eligible.

6. The submission of Mr. Nanda is also that the respondents while deciding the issue have not given an opportunity to the petitioner of being heard. Mr. Nanda also states that the petitioner possesses higher qualification.

7. At this stage, learned counsel for the respondents has drawn our attention to the application form to contend that though the qualification of



the petitioner is Bachelor of Computer Application (“BCA”), he has referred his qualification to be of ITI, which is incorrect/misrepresentation.

8. Noting the said submissions and also the fact when the essential qualification for the post of Tradesman Mate is ITI certificate, the qualification of BCA shall necessarily mean that the petitioner is over-qualified for the said post. That apart the petitioner has not correctly mentioned his qualification in the application form for the reasons known to him.

9. Insofar as the plea of Mr. Nanda that the petitioner has not been given hearing, we are of the view that in the facts of this case as noted by us above, even if the petitioner has not been heard, no grave prejudice has been caused to the petitioner.

10. We are of the view that there is no merit in the petition. The same along with pending applications is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 1, 2026/sr