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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 23.01.2026*+ **W.P.(C) 1844/2022 & CM APPL. 5301/2022**

VIJENDRA SINGH

.....Petitioner

Through: Mr. Prashant Vaxish, Mr. Pranav Raj
Singh, Mr. Anant Attri, Mr. Fouaad
Siddiqui, Advocates.

Versus

INDO TIBETAN BORDER
POLICE FORCE & ORS

.....Respondents

Through: Ms. Nidhi Raman, CGSC, Mr. Akash
Mishra, Mr. Arnav Mittal, Advocates.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:-

“(a) Issue a writ/order/direction of Mandamus or any other appropriate writ/order/direction to set aside the Orders of Cancellation of Appointment of the Petitioner dated 13.10.2021 & 14.10.2021 issued by the Respondent No. 1, as well as the Recruitment Letter dated 21.01.2022 issued by the Commandant CISF RTC Arakkonam and reinstate the Petitioner to the post of ASI in ITBP;

(b) Issue a writ/order/direction of Mandamus or any other appropriate writ/order/direction to the Respondents to reinstate the Petitioner to the Post of SI in ITBP with the same seniority and benefits;

(c) Issue a writ/order/direction of Mandamus or any other appropriate writ/order/direction to the Respondent No. 2 directing them to rescind their revaluation of the Petitioner and reinstate his status as an eligible candidate for the Post of SI in ITBP;



(d) Pass *ad-interim / interim / ex-parte order(s)* in respect of the prayers (a) to (c) hereinabove; and
(e) Pass any other further order (s) / direction (s) as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case.”

2. In effect, the petitioner is challenging the order cancelling his appointment as Sub Inspector (SI) in the Indo-Tibetan Border Police (ITBP). He has also sought a consequential prayer that he should be reinstated to the post of SI in ITBP.

3. The facts as noted from the petition are that the petitioner was an Ex-serviceman having retired from the Indian Air Force ('IAF'); while retiring from the IAF on 29.06.2011, he was issued a Graduation Equivalent Certificate for completing more than 18 years of service. The contents of the said certificate are reproduced as under:-

INDIAN AIR FORCE



GRADUATION EQUIVALENT CERTIFICATE

This is to certify that as per Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) OM No. 15012/8/82/Estt (D) dated 12 Feb 86, ex-servicemen who are matriculate (Which term includes an ex-servicemen who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or Air Force) and has put in not less than 15 years of service in the Armed Forces of the Union, may be considered eligible for appointment to any reserved vacancy in Group (C) post for which the essential qualification is graduation and where experience of technical or professional nature is not essential.

In view of the above concession, Service No. **761556-K** Rank **Sergeant** Name & Initials **V S Lamba** Trade **Photo Filter** who is serving in the IAF for **18 years 08 months** from **03 Nov 1992 to Till Date** may be considered educationally qualified for Group (C) post where prescribed qualification is Graduation.

Place: 
Date: 29 June 2011


(S. S. Rajani)
Air Commodore
Air Officer Commanding
46 Wing Air Force



THE FACTS:-

4. The respondent no.2/Staff Selection Commission ('SSC') had in the year 2014 invited applications for the post of SI and Assistant Sub-inspector ('ASI') in Delhi Police, CAPFs. The petitioner appeared under Ex-servicemen category in the said selection, on the basis of the deemed Graduation Certificate issued by the IAF.

5. Pursuant to the result declared by SSC, the petitioner was issued an appointment letter declaring him to be appointed to the post of SI in ITBP. There is no dispute that the petitioner was selected to the post of SI in ITBP. While working as SI in ITBP, the SSC *vide* letter dated 17.10.2019 had cancelled petitioner's candidature to the post of SI in ITBP and on 09.10.2019, the SSC further revised the result. In the revised result, it was shown that the petitioner is selected to the post of ASI in CISF in the Ex-servicemen category, accordingly, he was appointed as an ASI in CISF.

6. The impugned order passed by the respondent/ITBP dated 13.10.2021 in paragraphs 4,5 & 6, states the following:

"4. AND WHEREAS, SSC vide their letter No. 1/3/2019-ND-II(NR) dated 04.10.2021 has intimated that "Educational Qualification of the candidate is a non-graduate ex-serviceman who is eligible for consideration for a Group 'C' posts" and requested to forward the dossier to CISF for your appointment as ASI in CISF after cancelling your previous appointment as SI in ITBP.

5. AND WHEREAS, Offer of Appointment was issued on the basis of your selection by SSC, which has now been cancelled by them vide their letter No. 7/01/2014-ND-II dated 17.10.2019 and In the revised result you were declared selected for the post of ASI in CISF with Rank No. SLD/736-A, in Ex-Serviceman category as per your Educational



Qualifications.

6. *AND NOW THEREFORE, your request for continuation of service in the ITBP is rejected and your candidature for the post of S.I. in ITBP is hereby 'CANCELLED' with immediate effect and your original dossier is being forwarded to CISF for your appointment as ASI in CISF."*

The aforesaid order would reveal that the certificate which has been issued by the IAF in the year, 2011, relating to Graduation Equivalent Certificate was only valid for Group-C post where the prescribed qualification is Graduation. The post of SI being a Group (B) post, the said Certificate cannot be treated Graduation Equivalent Certificate for the post of SI. As stated in the Graduation Equivalent Certificate issued by the IAF, it was Graduation Equivalent Certificate for the Group (C) post and as such, he was given appointment as ASI in CISF.

7. Though various submissions have been made by the learned counsel for the parties, the counsel for the petitioner states that the issue is no more *res-integra*, in view of the judgment of this Court in case of **Rajiv Kumar V. Government of India and Ors., 2021:DHC:2315-DB**, wherein, this Court while considering an identical issue, in respect of a Graduation Equivalent Certificate issued by the IAF, has in paragraph 44 held as under:-

"44. We are also of the view that once the appointment/recruitment is claimed under the Ex-servicemen Category and in which no candidate who is not an ex-serviceman can claim appointment, restricting the Deemed Graduation Certificate to be equivalent to Bachelor's Degree of Graduation from a Recognised University for the purposes of Group 'C' posts only, is without any rationale or intelligible differentia to the purpose thereof. According to the arguments aforesaid of the counsel for the petitioners, there is no difference in the duties to be performed by the



personnel in Group 'B' and Group 'C' posts. In fact, while the post of SI in DP is a Group 'C' post, that of SI in CAPFs is a Group 'B' post. Moreover, it is not controverted that till the year 2009, post of SI in BSF was a Group 'C' post and became a Group 'B' post merely because of increase in pay thereof. No difference between the duties to be performed by SI in DP and the SI in BSF or between the SI in BSF prior to 2009 and thereafter, has been shown. It is felt that the experience of 15 years and more in the Defence Forces, particularly when recruitment as SI in CAPFs is through a recruitment examination comprising of a written examination in (i) General Intelligence and Reasoning; (ii) General Knowledge and General Awareness; (iii) Quantitative Aptitude; (iv) English Comprehension; (v) English Language and Comprehension, followed by Physical Standards Test and Physical Endurance Test and Medical Examination, is sufficient for performance of duties as SI in CAPFs and equivalent to a Bachelor's Degree in Graduation from a Recognised University. Just because the Ex-servicemen do not have a college degree, does not mean that they will not be able to perform the duties of SI in CAPFs, particularly when they are found fit to perform the duties of SI in DP. It appears that a college degree is not required to be an SI in CAPFs. Intelligence is not just being book smart or having a college degree. It comprehends within itself, being intuitive and having ability to think outside the box and sometimes just realising that things need to change and being smart enough to change it. The ex-servicemen learn the essential lessons of life from hard battlefields. Moreover, the kind of duties, which the CAPFs are performing, are not different from the duties being performed by the defence personnel. A college degree is not needed by a member of the Armed Forces.”

(Emphasis supplied)

8. The conclusion of this Court reveals that the Certificate issued is a Graduation Equivalent Certificate and hence, in that sense, the Certificate shall have effect of the holder having qualification equivalent to graduation.



9. We have been informed that the challenge to the aforesaid judgment before the Supreme Court has been negated. So, it must follow that Graduation Equivalent Certificate issued to the petitioner must be read to mean that the petitioner has the qualification equivalent to Graduation.

10. The cancellation of the appointment of the petitioner as SI by holding that the certificate would hold good only for Group (C) post, and SI being a Group (B) post, the petitioner is ineligible for SI post, is clearly erroneous. Further, it must be construed that the petitioner has the necessary qualification for the post of SI though a Group (B) post.

11. Hence, we hold that the impugned orders dated 13.10.2021 and 14.10.2021 are liable to be set aside. We order so. The petitioner shall be restored to the post of SI in ITBP with all consequential benefits including seniority and pay scale etc., subject to adjustment, pay and other benefits received by petitioner as an ASI. The compliance of this order shall be made within twelve weeks from today as an outer limit.

12. In view of the above, the petition is disposed of as allowed. Pending application is also disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 23, 2026

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