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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 11.02.2026

Judgment delivered on: 19.06.2026

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W.P.(C) 3500/2024 CM APPL. 14296/2024

SAKET KUMAR SONU AND ORS

.....Petitioners

versus

SASHASTRA SEEMA BAL AND ANR

.....Respondents

Advocates who appeared in this case

For the Petitioners : Mr. Ajay Garg, Mr. Uday Garg, Ms. Anusha Garg, Advocates.

For the Respondents : Mr. Farman Ali, SPC with Mr. Jitender Kumar Tripathi, GP and Ms. Usha Jamnal, Mr. Sumit Kumar Raj, Mrs. Anjali Dwivedi, Advocates.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****V. KAMESWAR RAO, J.**

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

“a. direct the respondents to declare the marks and ranks obtained by the petitioners in the Written Examination as well as the Skill Test and the marks obtained by the last selected candidates in EWS category in the Written Examination as well as the Skill Test in the recruitment process for the post of Constable in SSB-2020; and

b. direct the respondents to inquire into and rectify the



irregularities committed in the selection process relating to the EWS category wherein the invalid EWS certificates of some of the candidates who have been declared selected have been accepted in the recruitment for Constable in SSB-2020; and c. pass any other orders or directions as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.”

FACTUAL BACKGROUND

2. The facts surrounding the present controversy are that the Sashastra Seema Bal (hereinafter ‘SSB’) / respondent no. 1 issued an advertisement on 28.07.2020 for recruitment to the post of constable of different trades in Group C category in the SSB. The category-wise division of the total vacancies as per the said advertisement are as under:

Name of Post	UR	EWS	OBC	SC	ST	Total Vacancy
Constable (Cook) Male	123	23	40	25	21	232
Constable (Driver) for male only	148	36	114	245	31	574
Constable (Water Carrier) Male	44	10	27	14	6	101

3. The selection process was to be conducted in stages, i.e., (a) Physical Standard Test(PST)/ Physical Efficiency Test(PET); (b) Written Examination/Common Entrance Test (CET); (c)Documentation/Trade/Skill Test,; and (d) Medical Examination(DME)/ Review Medical Examination(RME).

SUBMISSIONS BY COUNSEL FOR THE PETITIONERS

4. Mr. Ajay Garg, learned counsel appearing on behalf of the petitioners submitted that the petitioners herein, were the candidates who were to be



recruited to posts in different trades, i.e. cook, driver and water carrier respectively, in the economically weaker section (EWS) category in Group-C in the SSB/respondent no. 1.

5. He stated that clause 5(ii) of the advertisement which talks about the eligibility conditions, specified that the candidates must possess all requisite certificates within 30 days of the publication of the advertisement. Further, clause 6(iv) of the advertisement mandated the submission of income certificates of the EWS category candidates valid for the financial year prior to the year of application. For the year 2020-21, to which the advertisement pertained, the relevant year for the purpose of income certificates would be 2019-20. We reproduce the relevant clauses relied upon by the petitioners, as under:

Clause 5(ii)

“ii) The candidates must fulfill all eligibility conditions for applied post and should be in possession of all certificates as on the last date of receipt of application i.e. 30 (thirty) days from the date of publication of this advertisement in the Employment News. Candidates appearing in the examination/awaiting result/ not in possession of educational certificates need not to apply.”

Clause 6(iv)

(iv) The candidates seeking relaxation under Economically Weaker Sections (EWSs) and not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs.8,00,000/- (Rupees Eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e Salary, Agriculture, Business, Profession etc. for the financial year prior to the year of application are required to submit the certificate as per Annexure-III.

6. He stated the petitioners herein belong to the EWS category. They fulfilled all the eligibility conditions of their respective trade for which they



applied. They were issued their admit cards for the PST/PET, which was to be conducted on 23.02.2023, 29.04.2022 and 06.03.2023 respectively. The petitioners qualified the PST/PET. Consequently, they were shortlisted for the written examination / CBT and were provided admit cards for the same. The written examination was conducted on 22.06.2023 and 23.06.2023.

7. He stated that the result of the written examination was not declared by the respondents because of which the petitioners could not know the marks obtained by them. The disclosure of marks obtained by them was crucial in the sense that the same were the basis for the preparation of the final merit list. Even though the marks were arbitrarily not released, a list of candidates who were shortlisted for the document verification (DV)/ trade test was issued. The names of the petitioners were included in this list. Accordingly, the petitioners were issued their admit cards for appearing in the DV/trade test. Subsequently, the petitioners appeared in the DV/trade test and qualified the same as well. However, the marks obtained by them in the DV/trade test were also not disclosed by the respondents even though as per the advertisement, the marks obtained in the DV/trade test were to be considered for ascertaining the seniority of the candidates in the case of a potential tie.

8. Thereafter, the list of candidates shortlisted for the DME/RME was issued and this too, was without disclosing the marks. The petitioners' names were included in this list as well. Accordingly, they were provided admit cards for appearing in the DME/RME. They appeared and qualified the same, and were declared medically fit. The details of the same are as follows:



S. No.	Name	Roll No.	Trade	D.O.B	Date of PST/PET	Date of CBT	Date of DV & Trade Test	Date of DME/RME
1.	Saket Kumar Sonu	3120506158	Cook	12.12.1998	23.02.2023	22.06.2023	12.09.2023	06.10.2023
2.	Vishash Siwach	1070709928	Driver	12.12.1996	29.04.2022	22.06.2023	05.09.2023	11.10.2023
3.	Shivam Kumar Sharma	3140206088	Water Carrier	05.03.2000	06.03.2023	23.06.2023	02.09.2023	13.10.2023

9. It is the petitioners' case that they qualified all the stages of the examination. At the stage of documentation, they carried their EWS certificates i.e. financial certificates for the year 2019-20 and for 2022-23. These were duly presented by them, and the attested photocopies of the same were submitted to the Board of Officers (hereinafter BOO) and secretarial staff of the SSB. The details of the same are as under:

S. No.	Name	Roll No.	Issuing Authority	EWS Certificate No.	Date of issuance of the EWS Certificate
1.	Saket Kumar Sonu	3120506158	Bihar Government	EWSCO/2020/91071	28.09.2020
2.	Vishash Siwach	1070709928	Naib, Tehsildar, Bhirwani, Haryana Government	EWS2020/656	13.08.2020
3.	Shivam Kumar Sharma	3140206088	Tehsildar, Bulandshahr, Uttar Pradesh Government	Certificate No.1236	28.08.2020

10. Mr. Garg further submitted that the final result of the recruitment examination was declared on 21.11.2023 for all the categories except the EWS category which was kept on hold by the respondents for administrative



reasons. Thereafter, the petitioner nos. 1 & 3, namely Saket Kumar Sonu and Shivam Kumar Sharma, received letters bearing File No.338/RC/SSB/Written (CBT)/CT (Tradesman)-2020/10142 and No.338/RC/SSB/Written (CBT)/CT (Tradesman)-2020/10217 respectively dated 06.12.2023, whereby they were informed to ensure the submission of their EWS certificates based on the income of financial year 2019-2020 issued for the financial year 2020-2021, in accordance with the conditions of the aforementioned advertisement issued by the respondents to the Commandant (Recruitment), Force Headquarters, SSB within 30 days from the date of the issuance of the said letters. Accordingly, the said petitioners again sent their EWS certificates to the Commandant (Recruitment), Force Headquarters, SSB on 08.12.2023 and 15.12.2023 respectively through email and on 19.12.2023 through Speed Post.

11. Further, on 29.12.2023, a notice was issued by the respondents for again carrying out the document verification relating to the EWS certificates of the EWS candidates whose certificates were not found in accordance with the conditions of the aforesaid advertisement and the same was to be held on 09.01.2024. The petitioner nos. 1 & 3 appeared for the DV on 09.01.2024 at 25th Vahini Sashatra Seema Bal, Ghitorni, Post – Arjangarh, New Delhi-110047, where they submitted their EWS certificates in accordance with the conditions of the advertisement. The certificate of petitioner no.2, Vishash Siwach, was found correct as per the conditions of the advertisement and hence, he was not required to appear for re-verification.

12. Mr. Garg stated the final result of the provisionally selected EWS category candidates of different trades was eventually issued by the



respondents on 17.01.2024 and the petitioners did not figure in the same. They were shocked to see that the cut-off marks for selecting the candidates were not issued and the marks of the finally selected candidates as well as the unselected candidates were never issued throughout the recruitment process and therefore, the petitioners were totally in dark as to the marks obtained by them in the written examination as well as the skill test and the marks obtained by the last selected candidate category- wise.

13. It is his submission that the petitioners came to know about the irregularities in the selection process. The same are:

- a) The names of some of the candidates which appear in the final result of the provisionally selected candidates, had submitted the invalid EWS certificates which were issued after the lapse of the last date of receipt of application i.e. 30 (thirty) days from the date of publication of the said advertisement in the employment news.
- b) This means that such candidates were not in possession of valid EWS certificate as on the date of application which was the eligibility requirement as per the recruitment advertisement.
- c) The respondents selected certain EWS candidates only on the basis of their affidavits, in the absence of their possession of their valid EWS certificates.

14. Mr Garg has provided in the petition, the details of the candidates who had such invalid EWS certificates, which we reproduce as under:



Details of the selected candidates who submitted their invalid EWS certificates			
S. No.	Roll No.	DOB	Trade
1.	3141005523	15.07.2000	Water Carrier
2.	3140400709	24.12.2001	Water Carrier
3.	3141003856	24.10.1998	Water Carrier
4.	3140503357	02.01.1998	Water Carrier
5.	3140501794	06.04.1998	Water Carrier
6.	3141105487	09.09.1999	Water Carrier
7.	3121106565	20.01.2001	Cook
8.	3120516891	10.02.2001	Cook
9.	1070706373	27.07.1995	Driver
10.	3120507662	06.06.1999	Cook
11.	3120703098	01.01.1999	Cook

15. He stated that the petitioners filed RTIs on 23.01.2024, 09.02.2024 and 25.01.2024 respectively requesting the respondents to declare the cut off marks and the marks of the selected and unselected candidates in various trades of EWS candidates and also disclose the marks scored by the petitioners at the different stages of recruitment. They were also unaware about any waiting list of candidates. However, no information was provided by the respondents. His case is that this action of the respondents is in violation of the Office Memorandum (OM) dated 21.12.2020 issued by the Department of Personnel & Training (DoPT) and Ministry of Personnel, Public Grievances and Pensions, Govt. of India wherein it had relied upon the Department's OM No.39020/01/2016-Estt(B) dated 19.07.2017 and OM No.39020/1/2016-Estt(B) dated 21.06.2016 directing the Central Government/Departments/CAPFs to upload the data of scores and ranks of all the candidates in the recruitment examination with all other details and



keep it uploaded for one year.

16. He stated that the entire selection process is unfair on the face of it. The selection has not been made in accordance with the merit/rank and the transparency and fairness in the process of selection and fair play is not maintained. The petitioners sent a representation to the respondents dated 19.02.2024, to request them for the declaration of the marks and ranks of the selected and unselected candidates including the cutoff marks which they obtained at every stage of the selection process.

17. It is his submission that the issue stands covered by the judgment of this Court in the case of ***Kuldeep Singh v. DSSSB, 118 (2005) DLT 101*** wherein it was directed to publish the entire list on the notice board and that every candidate would not have to take recourse to the Freedom of Information Act and would easily gain knowledge of their standing in the merit list. He also placed reliance on the judgment of the Supreme Court in the case of ***Divya v. Union of India and Others, (2024) 1 SCC 448*** wherein the Supreme Court relied upon its earlier judgment in ***UPSC v. Gaurav Singh, (2024) 2 SCC 605*** and held as under:

“94.1. The candidates claiming benefit of EWS category for the purpose of CSE-2022, acquire eligibility only if they meet the criterion prescribed by the Central Government in the OM dated 19-1-2019 and 31-1-2019 and are in possession of the required Income and Asset Certificate ("I&AC"), based on the income for the year 2020-21. Further, as required under Rule 28 of the CSE Rules, 2022 read with the OM of 19-1-2019 and 31-1-2019 the candidate should have been in possession of the Income and Asset Certificate ("I&AC") as on 22-2-2022. Any candidate not in possession of the I&AC in the prescribed format as mentioned hereinabove cannot claim the benefit of



EWS category. Equally, as required under Rule 13 of the CSE Rules, 2022 at the stage of DAF-1, the document in possession as on 22-2-2022 in the prescribed format, had to be submitted online before the prescribed date. UPSC was justified in rejecting the candidature of those candidates claiming benefit under the EWS category if they had submitted their I&AC beyond the stipulated deadline. This conclusion has to be read with the reasoning in the judgment, particularly in paras 42 to 45 under the heading "Eligibility for EWS category candidates for CSE-2022".

18. He stated as per the recent judgment of the Supreme Court in ***Civil Appeal No.4695-4699/2018*** titled ***Richal & Ors. Etc. v. Rajasthan Public Service Commission & Ors.***, the Supreme Court in similar facts directed the Rajasthan Public Service Commission to publish the cutoff marks of the last selected candidate, basis which the appointments were made by the commission. Reliance was also placed by him on the judgment in the case of ***Ranbir Singh v. S.K. Roy, Chairman, Life Insurance, Civil Appeal No. 6950/2009***. The disclosure of marks obtained in a public employment should be declared. It is the legal and fundamental right of the candidates sourced in fair play, legitimate expectation and right to know, besides principles of natural justice. In the present case, there are various irregularities and arbitrariness, and the selection criteria has not been followed. Despite conducting the verification process three times, the result of the EWS category candidates was not declared. He reiterated that the respondents accepted invalid EWS certificates of candidates which is *prima facie* discriminatory and against Articles 14 and 16 of the Constitution of India.

19. This Court *vide* order dated 12.03.2024 had directed the respondents to file an affidavit with respect to the averments made regarding the



irregularities of the selection process as has been contended by the petitioners. Accordingly, the same is filed.

SUBMISSIONS BY COUNSEL FOR RESPONDENTS

20. Contesting the submissions of the petitioners, Mr. Farman Ali, learned Senior Panel Counsel on behalf of the respondents stated that after careful examination of the dossiers of the selected candidates by the Recruitment Board, it was observed that the EWS certificates submitted by various candidates did not align with the prescribed format and criteria outlined in the advertisement, particularly concerning the validity year and effective financial year of the EWS Certificate. The required effective financial year for the issuance of EWS certificates for the subject recruitment was 2019-2020, with a validity extending into the financial year 2020-2021. It was in the interest of the candidates that they were requested to upload the updated EWS certificate which complied with the prescribed format/criteria, for which 30 days were given to them starting from 06.12.2023. Even the deadline to submit the EWS certificate was extended till 07.01.2024 to protect the rights of the candidates and ensure that they are adequately represented and no prejudice is caused to them.

21. The respondents *via* a Board of officers/BOO detailed *vide* order dated 29.12.2023 verified and scrutinised the EWS certificates submitted by all the candidates. Upon the same, it was found that the certificates of petitioner nos.1 & 3 were not meeting the criteria provided in the advertisement and hence, they were provided an opportunity to submit their revised certificates. The Board after the perusal of the certificates observed



that out of all the certificates submitted by various candidates, 165 met the criteria and 42 certificates were not found to be as per the requisite criteria.

22. He stated that after completion of the verification process, the BOO submitted the list of candidates whose EWS certificates were found in order according to the DOP&T OM and the recruitment advertisement dated 28.07.2020. As per the said list, the EWS certificates of candidates mentioned from Sl. No. 01 to 11 at Para 'm' of the Writ Petition were also found in accordance with the terms of advertisement. Since the candidates had secured the cutoff marks under the EWS category for their respectively applied posts, accordingly, their names were recommended for the provisional selection.

23. He stated the following with respect to the EWS certificates produced by petitioners:

- i. Petitioner no.1/Saket Kumar Sonu- his certificate was not found to be as per the required format. He was given time to produce the valid certificate, which he did, and which was accepted. Hence, his name was considered for the merit list of the final result but he could not be selected as he secured only 68 marks. The cutoff marks for the provisional selection for the post Ct.(Cook)-2020 under EWS category was 71 Marks.
- ii. Petitioner no.2/Vishash Siwach- his certificate even though was in the requisite format and was considered at the time of the final result, he could not be selected as he secured only 60 marks



whereas the cutoff marks for the provisional selection for the post Ct.(Driver)-2020 under EWS category was 61 marks.

- iii. Petitioner no.3/Shivam Kumar Sharma- his certificate was not found to be as per the required format, he was given time to produce the valid certificate, which he did, which was accepted. Hence, his name was considered for the merit list of the final result but he could not be selected as he secured only 65 marks in written examination and 31 marks in trade test which is less than the required cutoff marks for the post of Ct.Water Carrier (Male)-2020 under EWS category being 65 in written test and 33 marks in trade test.

24. Concluding his submissions, Mr. Ali stated that the final result for the provisional selection of candidates for the UR, OBC, SC and ST category was declared on 21.11.2023 and that of the EWS category was declared on 17.01.2024. This result includes the name of the candidates mentioned at serial no.1 to 11 at para 'm' of the writ petition, which we have reproduced at paragraph 14 of this judgment.

REJOINDER SUBMISSIONS BY COUNSEL FOR THE PETITIONERS

25. On the submission of Mr. Ali, Mr. Garg would submit that the contention of Mr. Ali as supported by the short affidavit fails to explain how candidates with defective and post-dated/back-dated EWS certificates were treated as eligible candidates who were subsequently appointed. The appointment of a Board and its verification process and the deviation from the mandatory advertisement conditions regarding EWS certificates casts



serious doubt on the fairness, transparency, and integrity of the recruitment process and the final merit list.

26. According to him, the respondents have admitted in their affidavit that several EWS certificates did not conform to the prescribed format and financial year, the requisite period being 2019–2020 with validity into 2020–2021. It is inexplicable how candidates lacking valid EWS certificates under the 2020 advertisement were permitted in the year 2023- 2024 to submit updated EWS certificates for a past financial year, which is legally impermissible. The recruitment process therefore, violates the advertisement conditions, the DoPT OM dated 31.01.2019, and settled legal principles, causing serious prejudice to the petitioners who complied with all requirements in time.

27. That apart, it is his submission that clause 5(ii) of the 28.07.2020 advertisement required candidates to meet all eligibility conditions and submit necessary certificates within 30 days of its publication which was extended till December, 2020, while interpretation of clause 6(iv) provides that EWS certificates for the year 2020–2021 were to be submitted, but according to him, it is altering the rules of the game midway. Therefore, any post-dated or illegal EWS certificates of the year 2019–2020 submitted in 2023–2024 should have been rejected. The respondents admit granting time in December 2023 and January 2024 and constituting a Board, which was only empowered to verify documents, not relaxing the mandatory eligibility. Allowing the submission of updated certificates 3 years after the cutoff date amounts to an impermissible post-facto relaxation and unlawful change in the rules of the advertisement.

28. He submitted that the petitioners herein obtained information on the EWS certificate of Mr. Shubham Kumar, an applicant for Constable (Cook), which was issued on 11.12.2023, well after the advertisement's closing date.



He was one of several candidates who submitted invalid or post-dated EWS certificates yet was selected. He further submitted that the certificate of Mr. Shubham Kumar issued in Bihar is handwritten, whereas, EWS certificates issued by State of Bihar are electronically generated as is of the petitioner no.1, casting serious doubts about its authenticity.

29. He submitted that if candidates who submitted defective or post-dated EWS certificates are excluded from the final merit list, the overall cut-off marks, as previously disclosed by the respondents during the course of the present proceedings, would necessarily undergo downward revision. Consequently, the exclusion of such ineligible candidates would directly impact the merit position and render the petitioners, along with other similarly placed candidates, successful against the said resultant vacancies.

30. In support of his submission, he has relied upon the judgments in the cases of *Gaurav Singh (supra)* and *Divya (supra)*, to contend that the candidates must possess valid EWS certificates for the relevant financial year, as on the cut-off date and shall have no legal right to seek reconsideration by submitting fresh or corrected certificates beyond the prescribed date.

ANALYSIS

31. Having heard the learned counsel for the parties, the issue which arises for consideration is whether the petitioners are entitled to the relief as prayed for in the petition.

32. At the outset, we may state here that the petitioners have not made any prayer seeking their appointment as Constable (Cook), Constable



(Driver) and Constable (Water Carrier). The prayer(s) sought is primarily for a direction to the respondents to declare the marks and rank obtained by the petitioners in the Written Examination as well as the Skill Test; the marks obtained by the last selected candidate in EWS category in the Written Examination as well as the Skill Test.

33. The petitioners who are three in number have applied for the aforesaid posts under the EWS category. Though, there is no dispute that the petitioners have submitted their EWS certificate at the time of submitting their applications pursuant to the advertisement issued by the respondents on 28.07.2020; it appears that the EWS certificates produced by the petitioner nos. 1 and 3 were found to be invalid. It may be stated here as per the requirement of the advertisement, the EWS certificate must be for the Financial Year 2019-2020, validity extended to the Financial Year 2020-21. In any case, not only the petitioners, there were other applicants also whose EWS certificates were found to be invalid.

34. Accordingly, the respondents had sought submission of fresh certificates by the applicants which includes the two petitioners herein. There is no dispute that the petitioner nos.1 and 3 did submit fresh EWS certificates to the respondents. So also, the other eleven persons whose names have been mentioned in paragraph no.14 of this order.

35. It may also be stated that the certificate of the petitioner no.2 was found to be valid and as such there was no communication sent to the petitioner no.2 for submission of a fresh certificate.



36. The case of the respondents is that the petitioners herein have not been found selected as they have secured less marks than the cut-off prescribed for all the three posts.

37. Mr. Farman Ali has submitted the details of the petitioners including the cut-off marks and the marks scored by them and their position as unsuccessful candidates in the following manner:-

“Details of Place of petitioners in not selected list in connection with WP(C) No. 3500 of 2024 titled Saket Kumar Sonu & Ors Vs SSB Pending at the Hon’ble High Court of Delhi at New Delhi.”

<i>S N</i>	<i>Roll NO</i>	<i>Name</i>	<i>Applied Post</i>	<i>Categ ory</i>	<i>Remarks</i>	<i>Placed at Sl. No in not selected list</i>
1	3120506158	Saket Kumar Sonu	CT (Cook)	EWS	Could not find place in merit list as he secured 68 marks and cut off marks under EWS category is 71.	7 th Place in not selected list
2	1070709928	Vishash Siwach	CT (Driver)	EWS	Could not find place in merit list as he secured 60 marks and cut off marks under EWS category is 61.	5 th Place in not selected list
3	3140206088	Shivam Kumar Sharma	CT (Water Carrier)	EWS	Petitioner could not find place in select panel as he secured cut off marks of 65 in written examination for EWS category, but he secured of 31	1 st Place in not selected list.



					<i>marks in trade test whereas the cutoff marks in trade test under EWS category is 33 marks. Thus could not find place in select panel/merit list prepared for provisional selection for the post of Water Carrier 2020 exam.</i>	
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*Commandant (Rectt.)
FHQ SSB, New Delhi”*

38. The aforesaid would reveal that the petitioners having secured less than the cut-off marks under the EWS category were found unsuccessful. The marks secured by the 11 candidates mentioned at paragraph no.14 above are more than the cut off marks required for selection. In any case, the relief sought by the petitioners is very limited inasmuch as declaration of their marks and ranks in all the categories of the selection process.

39. If that be so, we are not inclined to go into the prayer (b) for the reason the petitioners have not brought on record any compelling circumstances for us to order an enquiry further. The petitioner nos. 1 and 3 themselves on the asking of the respondents have submitted fresh EWS certificates, which have been accepted by the respondents. It is based on those certificates, the petitioner nos.1 and 3, and 2 (based on earlier certificate) have been assessed, but they have not secured sufficient marks to be within cut off, to be selected.



40. Having said that, we are of the view that the petition can be disposed of by directing the respondents to declare the marks and ranks obtained by the petitioners for the posts which they have applied for in the EWS category and also the marks as obtained by the selected candidates on the aforesaid three posts. This exercise shall be undertaken by the respondents within a period of four weeks from the receipt of the copy of this order. It goes without saying that if the petitioners still have any grievance, liberty shall be with the petitioners to seek such remedy as available in law.

41. Insofar as the judgment relied upon by Mr. Garg in the case of ***Gaurav Singh and Others (supra)*** is concerned, the Supreme Court has held as under:-

“18. A technical irregularity in a certificate issued by the competent authority in respect of the correct financial year cannot be equated with an Income and Asset Certificate in respect of a different financial year when the income and assets for the particular financial year prior to the year of submission of the application, goes to the root of eligibility of a candidate to qualify in the EWS category.

19. The respondent-writ petitioners were well aware that they had to furnish the Income and Asset Certificates issued by the competent authority for the financial year prior to the year of application. If the applications were made pursuant to a Notification published on 24-4-2019 with 20-5-2019 notified as the last date for submission of the applications, the financial year prior to the year of submission of application could not possibly be the Financial Year 2019-2020, to which the certificates related. The observation in the impugned judgment and order [Gaurav Singh v. Union of India, 2020 SCC OnLine Del 2711] of the High Court of the expediency of specifying the financial year in the notification for recruitment is in the nature of an advisory, which may be kept in mind when recruitment notifications are issued by the appellant in future. Respondent-



Writ Petitioners 2 and 4, whose Income and Asset Certificates were not in order, did not have any legal right to be considered EWS candidates.

20. The respondent-writ petitioners were required to submit certificates for the relevant financial year. The negligence of the respondent-writ petitioners in not checking if the certificate related to the correct financial year, cannot be lightly brushed aside as inadvertent lapses of the certifying authority. A candidate applying for a post pursuant to an advertisement, cannot afford to be negligent. Documents required to be submitted have to be carefully checked by the candidate concerned before submission. An appointing authority proceeds on the basis of what is stated in a certificate. When a certificate pertains to a different financial year, the same is liable to be outright rejected. No candidate can, in such case, claim any legal right to reconsideration of his/her candidature by submission of a fresh certificate and/or rectified certificate.

21. Where appointments are made to a large number of vacancies from amongst lakhs of candidates and there are errors which go to the root of eligibility, the courts ought not to interfere, particularly in an age of computerisation where documents are scanned, compared, classified and stored electronically. It may be pertinent to note that certificates are necessarily issued on the basis of the data furnished by the applicant after enquiry. The appointing authority could not have proceeded on the presumption of an inadvertent error in the certificates. The possibility that the Income and Assets Certificates might have reflected income for a part of the financial year mentioned in the certificate could not have been ruled out.”

42. Suffice to state, the said judgment is clearly distinguishable on facts and in view of our findings above. That apart, we find the petitioners case has not been rejected on the basis of the EWS certificates, but on the ground they secured less than cut-off marks.



43. Similar is the position, in the judgment of the Supreme Court in the case of *Divya (supra)*. Insofar as the judgment in the case of *Kuldeep Singh & Anr. (supra)* relied upon by Mr. Garg to contend that the user department in consultation with SSB should prescribe minimum qualifying marks that should be mentioned clearly in the advertisement itself is concerned, it is too late in the day for the petitioners to urge the said submission. Most of them have participated in the selection process and the law in this regard is well settled that once a candidate participates in the selection process knowing well the conditions prescribed in the advertisement, he is precluded from challenging the advertisement on the ground of acquiescence and waiver.

44. In view of our discussion above, the petition along with the pending application(s) are also disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JUNE 19, 2026

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