



2026:DHC:5569-DB



\$~47

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 8472/2026, CM APPLs. 39476/2026, 39477/2026 & 39478/2026

UNION OF INDIA & ANR. ....Petitioner

Through: Ms. Manisha Agrawal Narain,  
CGSC with Ms. Aditi Singh, GP for UOI

versus

SUNIL .....Respondent  
Through: Mr. Anil Singal, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE VINOD KUMAR**

**JUDGMENT (ORAL)**  
**09.07.2026**

%

**C. HARI SHANKAR, J.**

1. The respondent applied for participation in the Combined Higher Secondary Level Examination-2017<sup>1</sup> for recruitment to the post of Lower Division Clerk<sup>2</sup> as a candidate belonging to the Other Backward Classes<sup>3</sup>. We may note that the declaration that he was OBC was as per the OBC certificate issued to him by the competent authority in Haryana, which clearly states that the respondent belonged to Goswami Community which was recognised as an OBC in the Central List.

<sup>1</sup> "CHSL-2017", hereinafter

<sup>2</sup> "LDC", hereinafter



2026:DHC:5569-DB



2. Following his success in the selection process, the respondent was called for verification of documents, during which process the following undertaking was provided by him on 6 September 2019:

“I hereby undertake that I belong the 'Goswami' community, which falls under Central List of OBCs as on the crucial date as per notice of examination. I also undertake that I do not fall under creamy layer status on the crucial date as per notice of exam. If at any later stage it is found that I do not belong to OBC category and don't fall under Non-creamy layer status my candidature may be cancelled by the commission and I will not claim for consideration under UR category”.

3. The respondent was thereafter offered appointment dated 7 October 2020 to the post of LDC in the Directorate of Census Operations<sup>4</sup>, Chhattisgarh, which is a subordinate office of the Registrar General of India.

4. After the respondent joined in the Office of the DCO, it apparently came to the notice of the DCO that the Goswami Caste, to which, the respondent belonged, was not an OBC in the central list, but was an OBC in the state list.

5. The Joint Director and Head of Office in DCO, thereafter, issued a show cause notice to the respondent on 4 December 2020, alleging that the respondent had obtained employment by submitting a wrong undertaking that the caste to which he belonged was an OBC in the central list and, therefore, calling upon the respondent to show cause as to why his appointment be not cancelled.

<sup>3</sup> “OBC”, hereinafter

<sup>4</sup> “DCO”, hereinafter



2026:DHC:5569-DB



6. In the reply, the respondent pleaded that, as the Competent Authority in the Government of Haryana had issued a caste certificate certifying that the Goswami caste to which he belonged was an OBC in the central list, he had *bona fide* applied as an OBC in the central list. In the event that he was not to be treated as an OBC candidate for the purposes of the recruitment, the respondent submitted that, as he had secured more marks than the last selected unreserved<sup>5</sup> category candidate and was within the age limit for selection even as a UR category candidate, his entitlement to selection be considered under the UR category.

7. Subsequent to the respondent filing his reply thereto, the Head of Office in the DCO, by order dated 18 January 2021, terminated the services of the respondent under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965. No reason for termination is forthcoming from the said document.

8. The respondent represented against the termination. The representation was rejected, by the Staff Selection Commission<sup>6</sup>, in the following terms:

“विषय :- Combined Higher Secondary Level Examination, 2017-Representation of candidate Sh. Sunil (Roll No. 1601076319)-reg.

महोदय,

Please refer to your representation dated 'Nil' on the subject mentioned above.

2. The matter has been examined in the Commission. The

<sup>5</sup> “UR” hereinafter

<sup>6</sup> “SSC”, hereinafter



2026:DHC:5569-DB



recruitment process of Combined Higher Secondary Level Examination, 2017 has already been completed. As per the provisions of Para No. 7 of the concerned Notice, "A person seeking appointment on the basis of reservation to OBCs must ensure that he/she possesses the caste/community certificate and does not fall in creamy layer on the crucial date. The candidature of a candidate will remain provisional till the veracity of the concerned document is verified by the Appointing Authority." The Commission, being a recruitment agency, nominates the selected candidates and has no role thereafter. Hence, the Commission has no right/power to intervene in the matter of appointment formalities undertaken by the User Department.

3. In view of the above, your representation stands disposed of.

भवदीया,  
२५/०३/२१  
(मोनिष्ठा राय)  
अवर सचिव, भारत सरकार

9. Aggrieved thereby, the respondent approached the Tribunal by way of OA 844/2021. By judgment dated 25 April 2025, the Tribunal has disposed of the OA.

10. While accepting the fact that the Goswami caste, to which the respondent belonged, was not an OBC in the central list, as declared by the respondent at the time of document verification, the Tribunal has directed that the respondent be considered as a UR candidate as he was within the maximum age limit set for UR candidates at the time of selection.

11. The Tribunal has, therefore, remanded the case of the respondent for selection to the SSC with a direction to consider his candidature as a UR category candidate in the CHSL-2017 examination and, if he was found eligible as per merit, to given an

Signature Not Verified

Digitally Signed By: AWP.(C) 8472/2026  
KUMAR  
Signing Date: 14.07.2026  
11:17:02

Page 4 of 10



2026:DHC:5569-DB



appointment as a UR category candidate.

12. The SSC has, by the present writ petition, challenged the decision of the Tribunal.

13. We have heard Ms. Manisha Agrawal Narain, learned CGSC appearing for the petitioners, at length.

14. The fundamental submission of Ms. Narain is that the respondent misstated facts twice; first before the authority in Haryana which issued the OBC certificate to him and, thereafter, on 6 September 2019 at the stage of document verification before the SSC.

15. Ms. Narain predicates her submission that the respondent had misstated facts before the Tehsildar for obtaining an OBC certificate on the basis of the following communication addressed by the Tehsildar to the DCO:

“From,  
Tehsildar Samalkha.

To,  
Joint Director,  
Govt. of India, Ministry of Home Affairs  
Directorate of Census operations, Chhattisgarh  
Janganana Bhawan, Plot No. 10, Sector 24, Jhanjh,  
Nawa Raipur. Atal Nagar-492018.

Sr. No. 190/ Tehsi.

Date: 02.12.2020

Subject: Regarding verification of Other Backward Class  
Certificate No. 131/OBC Dated 28-02-2017.

Sir,

With reference to your office's letter number A-16020/1/2018- DCO(CG)/456 dated 10.11.2020 on the above-mentioned subject.

In the relevant matter, you are requested to submit the

Signature Not Verified

Digitally Signed By: AWP.(C) 8472/2026  
KUMAR  
Signing Date: 14.07.2026  
11:17:02

Page 5 of 10



2026:DHC:5569-DB



certificate number 131/OBC dated 28.02.2017 attached with the referred letter, the applicant Sunil son of Satpal, resident of village Hathwala Tehsil Samalkha, gave a wrong undertaking on 23.02.2017 that Goswami caste is included in the Central List of OBC. Whereas this caste is not included in the Central List of OBC.

Therefore, the subject certificate number 131/OBC dated 28.02.2017 has been cancelled by Naib Tehsildar Samalkha on 02.12.2020. The report/information is sent to you for your information and further necessary action.

Tehsildar Samalkha

Sr. No. /Tehsi.

Date:

Its two-fold copy is sent to Patwari Halka Hathwala for informing Mr. Sunil son of Satpal, caste Goswami, resident of village Hathwala Tehsil Samalkha.

Tehsildar Samalkha”

16. Mr. Anil Singal, learned Counsel for the respondent submits that there was no misrepresentation by the respondent either before the Tehsildar or before the SSC. He has drawn our attention to the following communication from the Tehsildar to the Deputy Commissioner<sup>7</sup> Panipat which we deem appropriate to reproduce in Hindi, as the English translation does not appear to be accurate:

“प्रेषक

तहसीलदार समालखा

सेवा में,

उपायुक्त महोदय

पानीपत

क्रमांक /तह० दिनांक

विषय: Central List of OBC (State Haryana)

महोदया जी

उपरोक्त विषय पर इस कार्यालय के पत्र क्रमांक 206/ तह० दिनांक 24.12.2020 के निरंतर मै।

विषयोक्त सम्बन्ध में आपसे अनुरोध है कि OBC List of Central relating to Haryana (प्रति सलग्न) के अवलोकन से पाया गया कि गोस्वामी जाती अन्य पिछड़ी जाति हरियाणा की लिस्ट में नहीं है लेकिन सरल केन्द्र

Signature Not Verified<sup>7</sup> “DC”, hereinafter

Digitally Signed By: AWP (C) 8472/2026  
KUMAR  
Signing Date: 14.07.2026  
11:17:02



2026:DHC:5569-DB



अथवा कॉमन सर्विस सेंटर में अन्य पिछड़ी जाति का प्रमाण पत्र बनाते समय ओ.बी.सी. सिलेक्ट करने पर कम्प्यूटर स्क्रीन पर गोस्वामी जाति दर्शाई जा रही है। आपसे अनुरोध है कि उक्त तथ्यों को मध्यनजर रखते हुए अवगत कराने का कष्ट करें कि गोस्वामी जाति ओ.बी.सी. में आती है या नहीं।

सलग्न: OBC List of Central relating to Haryana

Sd/-

तहसीलदार समालखा

पृ० क्रमांक 05/तह०

दिनांक 11-01-2021

इसकी एक प्रति निदेशक महोदय अनुसूचित जातियां एवं पिछड़े वर्ग कल्याण विभाग, हरियाणा, चण्डीगढ़ की सेवा में सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

Sd/-

तहसीलदार समालखा

11/1/2021"

17. As such, Mr. Singal submits that no fault can be found with view taken by the Tribunal.

18. Having considered submissions of learned Counsel for both sides, we find ourselves unable to agree with the submissions of Ms. Narain.

19. Had it been a case where the respondent had misstated facts before the Tehsildar or before the Tribunal, we would be the last to extend, to the respondent, any indulgence, especially as the Tribunal, while exercising jurisdiction, acts as a substitute for this Court, and the jurisdiction exercised by the Tribunal has also therefore to be informed by Article 226 of the Constitution of India. A person who makes misstatements, before any authority, cannot expect indulgence from the Tribunal or from this Court.



2026:DHC:5569-DB



20. We have, therefore, considered the submissions of Ms. Narain that the respondent had misstated facts before the Tehsildar as well as before the SSC.

21. Having done so, we find ourselves unable to agree.

22. It is true that, in the letter dated 2 December 2020 addressed by the Tehsildar to the DCO, it is stated that the respondent had, at the time of applying for the caste certificate, declared that the Goswami caste was an OBC in the central list. However, the letter dated 11 January 2021 from the Tehsildar to the DC Panipat clearly indicates that there was confusion regarding the question of whether the Goswami caste was an OBC in the central list or in the state list as, while accessing the list of OBC in the central list on the appropriate website, the Goswami caste was reflected as an OBC caste in the central list.

23. In these circumstances, it cannot be stated, with any degree of certainty, that the respondent had misdeclared facts before the Tehsildar while obtaining the OBC certificate.

24. Besides, the Tehsildar, as the authority issuing the certificate, is expected to have carried out the required verification. The Tehsildar, we presume, would not be issuing OBC certificates merely on the asking of the applicant without actually ascertaining their OBC status.



2026:DHC:5569-DB



25. There is no reason for us to assume, therefore, that before issuing the OBC certificate dated 28 February 2017, the Tehsildar did not verify as to whether the Goswami caste, to which the respondent belonged, was an OBC in the central list or in the state list.

26. As such, though it appears, *prima facie*, that the Goswami caste was in fact an OBC in the state list, this confusion appears to have arisen at the end of the Tehsildar, and was, apparently, not attributable to any deliberate misstatement by the respondent.

27. Insofar as the declaration made on 6 September 2019 before the SSC is concerned, the declaration is in sync with the OBC certificate issued by Tehsildar. There is nothing to indicate, therefore, that while making the declaration, the respondent acted contumaciously or with an intent to secure an appointment as an OBC though he was not entitled to do so.

28. At the end of the day, the respondent has not been extended any benefit available to OBC candidates. The Tribunal has only directed that his case be considered as a UR category candidate and examine whether he makes the cut on the basis of his performance in the selection.

29. In the aforesaid circumstances, we do not feel this to be a case which calls for interference in exercise of the extraordinary jurisdiction vested under Article 226 of the Constitution of India. We, therefore, dismiss this writ petition.



2026:DHC:5569-DB



30. The writ petition stands disposed of accordingly.

**C. HARI SHANKAR, J.**

**VINOD KUMAR, J.**

**JULY 9, 2026/aky**

Signature Not Verified

Digitally Signed By: AWP.(C) 8472/2026  
KUMAR  
Signing Date: 14.07.2026  
11:17:02

Page 10 of 10