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

+ **W.P.(C) 2670/2016 & CMs No.11265-66/2016**

RAVI CHOUDHARY Petitioner

Through : Mr. Vijay Kasana with
Mr. Ashish Chauhan, Advocate

versus

UNION OF INDIA & ANR Respondents

Through : Ms. Bharti Raju, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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05.04.2016

1. Counsel for the respondents states that she has obtained instructions from the department as to the grounds for rejecting the petitioner's candidature to the post of a Sub Inspector pursuant to the advertisement dated 28.3.2015, published by the respondent No.2/SSC, which are to the effect that the petitioner had submitted a belated OBC certificate. She clarifies that as per the notice issued by the respondent No.2/SSC, the closing date for submitting the application form was 28.4.2015 and admittedly, the petitioner had submitted the said form in question on 19.12.2015. She adds that even the grace period of 180 days reckoned from the closing date fixed for receipt of applications granted to the petitioner as mentioned in the letter dated 26.11.2015 addressed to him, the said period would have expired by the end of October, 2015, whereas the petitioner had

submitted the OBC certificate much after the said deadline. She elaborates that the petitioner had not even applied to the competent authority for obtaining an OBC certificate till as late as 10.12.2015, when he knew very well that the date of the interview was 19.12.2015.

2. At this stage, it has been inquired from counsel for the respondents as to whether the process of filling up the post of Sub Inspectors in the CAPF stands concluded, to which she states, on instructions, that the said process is already over. She clarifies that even if there would be a vacancy in the OBC category, it is too late in the day for considering the petitioner's candidature for the reason that the procedure of turning down the candidature of all such candidates who have failed to submit their OBC certificate within the stipulated timeline, has been applied uniformly to all the candidates and the respondents cannot adopt a pick and choose policy by giving the petitioner any special benefit even if there is any vacancy of a Sub Inspector still available in the OBC category.

3. We are inclined to agree with the submissions made by learned counsel for the respondents. The records reveal that the petitioner was all along aware of the procedure prescribed by the respondents for filling up the forms as set out in Rule 4(C) of the notice, which is reproduced herein below :

“4(C) PROCESS OF CERTIFICATION AND FORMAT OF CERTIFICATES :

Candidates who wishes to be considered against vacancies reserved/or seek age relaxation **must submit requisite certificate** from the competent authority, in the prescribed format when such certificates are sought by concerned Regional/Sub Regional Offices at the time of interview/document verification.

Otherwise, their claim for SC/ST/OBC/Ex.S/Departmental candidates (Delhi Police) status will not be entertained and their candidature/applications will be considered under **General (UR)** category. The formats of the certificates are annexed. Certificates in any other format will not be accepted. **The Commission has decided to accept OBC certificate in the prescribed format issued after the closing date but within a period of 180 days from the closing date for receipt of application.**

NOTE : Candidates are warned that they will be permanently debarred from the examination conducted by the Commission in case they fraudulently claim SC/ST/OBC/Ex.S/Departmental candidates (Delhi Police) status.”

4. Further, the letter dated 26.11.2015 addressed to the petitioner calling upon him to participate in the interview for recruitment to the post of Sub Inspector in Delhi Police and CAPF had clearly stated in Clause 1(b)(iv) as below :

“1(b)(iv) You should possess the OBC certificate in the format prescribed for Govt. of India post as per the notice. Certificates in any other format will not be accepted. The Commission has decided to accept OBC certificate in the prescribed format issued after the closing date (28/04/2015) but within a period of 180 days from the closing date for receipt of application. **The Commission will also accept the OBC certificate in the prescribed format (containing non-creamy layer status) issued on or before the closing date of receipt of application (i.e. 20/04/2015) upto a date which is 3 years before the closing date, i.e., 29/04/2012,** OBC certificates issued by National Capital Territory of Delhi (GNCT) for candidates for OBCs listed by NCT but not included in Central List of OBCs will be accepted for post of Sub Inspector in Delhi Police only for reservation and age relaxation purposes.”

5. The aforesaid rules have stipulated that the candidates should possess the OBC certificate in the prescribed format and certificates in any other format will not be accepted. The respondent No.2/SCC had granted some latitude to all the candidates and agreed to accept the OBC certificate in the prescribed format issued even after the closing date, i.e., 28.4.2015, but the condition prescribed was that the said certificate should have been issued within a period of 180 days from the closing date for receipt of the application. Admittedly, the petitioner's OBC certificate was issued on 16.12.2015 (Annexure P-5), which is way beyond the cut off date.

6. In the facts and circumstances of the case, we decline to interfere. The present petition is dismissed, along with the pending applications.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 05, 2016

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