

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

% Decided on: February 20, 2017

+ W.P.(C) 1863/2016

NARVIR SINGH Petitioner
Through: Mr.Krishna Kumar Mishra, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Jaswinder Singh, Advocate.

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

INDIRA BANERJEE, J

1. This writ petition is directed against an order dated 10.09.2014 passed by the Staff Selection Commission, Northern Region being the respondent No.2, cancelling the candidature of the petitioner for recruitment to the post of Sub Inspector in the Border Security Force (BSF).
2. Pursuant to an employment notification in the 'Employment News' published on 16.03.2013, inter alia for recruitment of

Sub Inspectors in the Central Armed Police Forces, the petitioner applied.

3. The petitioner, who belongs to the 'Jat' community of Haryana applied as a candidate of the "Other Backward Classes" (OBC). The petitioner claims that he is an OBC candidate under Category IV as he belongs to the Jat Community, but not to the creamy layer.
4. The petitioner claims that he qualified in the Written Examination, after which, the petitioner had to appear for an interview on 19.03.2014. According to the petitioner, the petitioner secured 235 marks and he also qualified in the Physical and the Medical tests. The petitioner states that even though candidates of the 'OBC' Category, who had secured 195 marks were sent for training, the petitioner was not sent for training.
5. By a letter dated 10.09.2014, the petitioner was informed that his candidature had been cancelled, as he did not belong to the

‘OBC’ Category and was to be treated as a candidate of the General Category.

6. On 31.10.2014, the respondent sought verification of the genuineness of the OBC certificate issued to the petitioner by the Tehsildar, which was verified by the Tehsildar, Haryana and by letter dated 11.11.2014, the Tehsildar confirmed that the certificate was genuine.
7. The petitioner contends that persons, who belong to the ‘OBC’ Category are entitled to be treated as candidates of the ‘OBC’ Category and given the benefit of reservations for the ‘OBC’ Category candidates, even though there may have been some delay in ascertaining his ‘OBC’ status.
8. There can be no doubt with the proposition that a person belongs to any particular class, caste or community from the time of birth, for example a person is born in a scheduled caste family. Similarly a person may be born in a family of the ‘OBC’ category. Once a candidate of the ‘OBC’ category or the

‘Scheduled Caste’ category or the ‘Scheduled Tribe’ category, is allowed to participate in the selection process, he cannot be treated as a General Category candidate, only because of delay in verification of his status as an ‘OBC’ or ‘Scheduled Caste’ or ‘Scheduled Tribe’ Candidate. However, in this case, the petitioner admittedly belongs to a Jat family from Haryana. In ***Ram Singh and Others Vs. Union of India*** reported in 2015 (4) SCC 697, cited on behalf of the respondents, the Supreme Court has held that the Jats in *inter alia* the State of Haryana are not included in the ‘OBC’ category.

9. The writ petition is, therefore, dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

February 20, 2017/ n