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

+ **W.P.(C) 11577/2024 & CM APPL. 48138/2024**

ISLAVATH SEKHAR BABU

.....Petitioner

Through: Mr. P.Mohith Rao, Mr. Jaya Krishna,
Ms. J.Akshita, Mr. Shaik Sohil Akhtar and Mr.
Eugene S. Philomene, Advocates.

versus

**THE NATIONAL THERMAL
POWER CORPORATION LTD**

.....Respondent

Through: Mr. Akshit Pradhan, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India, seeking the following reliefs:

“(a) issue a writ of mandamus/certiorari or any other suitable writ or any such order or direction by setting aside the Rejection E-mail dated 15/07/2024, issued by the Respondent and by directing the Respondent Corporation to forthwith appoint the Petitioner to the post of Experienced Engineer (Civil Construction), with all consequential benefits, by considering the experience of the Petitioner mentioned in the Reply E-mails dated 17/07/2024, 19/07/2024, 23/07/2024, 07/08/2024, 09/08/2024, 10/08/2024 and 14/08/2024 and pass such other order or orders which may deem fit and proper in the circumstances of the case; and/or

(b) Direct the Respondent Corporation not to issue the Merit list pending disposal of the Writ Petition.”

2. Facts to the extent relevant and pleaded in the writ petition are that National Thermal Power Corporation Limited/Respondent published Advertisement No. 25/2023 on 20.12.2023 inviting applications for



recruitment of experienced engineers to various posts including the post of Engineer (Civil Construction) against which the Petitioner applied vide application No. 76584 dated 02.01.2024. As per the advertisement, the required educational qualification was B.E./B.Tech. Degree in Civil/Construction with at least 50% marks from a recognized University/Institution. The experience required for the post was '*Minimum 04 years of post-qualification executive experience (excluding training/trainee period) in Construction at site in the area of foundation works of vibratory structure/Piling work/high rise industrial structures/general Civil work in major infrastructure projects like Thermal/Hydro/Nuclear power projects/Refinery/Fertilizers/Petro chemicals/Steel/Cement*'. Petitioner qualified the online written examination held on 24.02.2024 and was called for online interview through e-mail dated 21.03.2024.

3. Petitioner avers that he was interviewed on 27.03.2024 and qualified the same and was shortlisted for document verification at Serial No. 54. Petitioner had uploaded all requisite documents including experience certificate, however, he received an e-mail dated 18.05.2024 from the Respondent intimating that the documents uploaded by him were found to be incomplete/not sufficient. He was called upon to upload the documents as enumerated in the e-mail in the form of a PDF file on/before 21.05.2024 on the NTPC careers portal to enable the Respondent to consider his candidature. Petitioner states that he again uploaded the experience certificate vide e-mail dated 21.05.2024 i.e. upto the cut-off date mentioned in the e-mail. However, Respondent cancelled his candidature vide e-mail dated 15.07.2024 on the ground that Petitioner was not meeting the advertised eligibility criteria of minimum 04 years post qualification



executive experience in construction and site in the relevant areas in major infrastructure projects on the last date of the application. Petitioner sent yet another e-mail dated 17.07.2024 submitting the detailed experience certificate and also sent reminders requesting the Respondent to consider his experience but getting no response filed the present petition.

4. Learned counsel for the Petitioner contends that the advertisement prescribed minimum 04 years post qualification executive experience in construction at site in relevant areas in major infrastructure projects as on the last date of the application and Petitioner was eligible under Clause C as he possesses qualification of M.Tech. (Transportation Engineering) and B.Tech. (Civil Engineering) with experience of 6 years with GSS InfoTech which works in collaboration with GHMC & Priya Cement Industry. Petitioner had duly uploaded the requisite documents including the experience certificates before the cut-off date and therefore rejection of his candidature is illegal and arbitrary. To support his argument, learned counsel relies on an e-mail dated 21.05.2024 annexed as Annexure P-9 to the writ petition which according to him reflects that a PDF file was attached with the e-mail which contained an experience certificate issued by GSS InfoTech and which was in consonance with the requirements stipulated in the advertisement.

5. Learned counsel for the Respondent, appearing on advance copy of the writ petition, opposes the writ petition and submits that the last date for submission of documents by candidates was 21.05.2024 and it is by this date that the Petitioner should have uploaded all the documents to support his educational qualifications as well as experience. Petitioner did not submit the requisite documents in support of his claimed experience and therefore,



an e-mail was sent to him on 18.05.2024 intimating that the documents uploaded by him were incomplete/not sufficient and time was given to him till 21.05.2024 to upload the documents which were also flagged in the said e-mail and which pertained to the requisite experience certificate. Petitioner did not upload the required experience certificate matching with the advertisement by 21.05.2024 and therefore, his candidature was rightly cancelled.

6. It is further argued that as an afterthought, Petitioner now seeks to place reliance on a certificate annexed at Page 35 of the writ petition purportedly uploaded by him on 21.05.2024, which according to him, shows that he meets the experience criteria but as a matter of fact this certificate was not uploaded on 21.05.2024 on the NTPC careers portal and it was only after confirming the said fact that his candidature was cancelled. Learned counsel, on instructions from senior officers of the Respondent present in Court, further states that the experience certificate actually uploaded by the Petitioner is at page 32 of the writ petition and a bare perusal of the certificate shows that as per this certificate, Petitioner does not meet the requisite experience criteria for the post in question. It is argued that it is a settled law that cut-off date stipulated in the advertisement in any given selection process is sacrosanct and documents cannot be accepted after the cut-off date as this would lead to an administrative chaos and every selection process will continue indefinitely.

7. Heard learned counsels for the parties and examined their submissions.

8. There is no dispute between the parties with respect to the educational qualification and/or the experience required for the post of Engineer (Civil



Construction) in the Respondent which are clearly stipulated in the advertisement in question. The bone of contention between the parties is whether the Petitioner uploaded the experience certificate which shows that he met the experience criteria for the post for which he had applied. Petitioner has placed on record two certificates i.e. one at page 32 of the writ petition and the other at page 35 of the writ petition. Clearly and admittedly, the certificate at page 32 which was uploaded well before the date of interview does not meet the requisite experience criteria. For this reason, Respondent informed the Petitioner by e-mail dated 18.05.2024 that the documents submitted by him pertaining to the eligibility for the post were ‘incomplete/not sufficient’. Time was granted to the Petitioner upto 21.05.2024 to upload additional/balance document as a single PDF file and by the same mail, Petitioner was also informed of the nature of work experience certificate required with the necessary details. This e-mail was acknowledged by the Petitioner and in response he uploaded a fresh experience certificate which does match with the experience criteria stipulated in the advertisement. The only question that this Court is called upon to now decide is whether the certificate at page 35 was uploaded on 21.05.2024 or thereafter. If the certificate was uploaded on 21.05.2024, Petitioner has a right to be offered appointment as he has cleared the written examination and the interview. However, if the certificate was not uploaded by the cut-off date, Petitioner has no case in view of the settled law that cut-off dates in any process of selection are sacrosanct and in this context, I may only refer to judgments of the Supreme Court in ***Rakesh Kumar Sharma v. State (NCT of Delhi) and Others, (2013) 11 SCC 58*** and ***Karan Singh Yadav v. Government of NCT of Delhi and Others, (2024) 2***



SCC 716. In *Karan Singh Yadav (supra)*, the Supreme Court observed as follows:-

“5. In view of the acute problem of unemployment, whenever few vacancies are notified by any public authority, it is common that thousands of applicants apply for such posts. If the applicants are permitted to rectify applications after cut-off dates, the same would render the scrutiny process indefinite. In the course of such recruitment process, many persons, though they belong to the OBC category or SC/ST category, might not have obtained the required caste certificate before the cut-off date. Such persons, being law abiding and being conscious of the bar contained in the notification of the cut-off date, might not have applied seeking employment. In case the authority starts accepting caste certificates subsequent to the prescribed cut-off dates whenever a candidate approaches the authority, the remaining candidates who had not applied would definitely be affected. If the applicants are allowed to submit certificates in proof of their claim of reservation subsequent to the notified cut-off date, it would create administrative chaos.

6. In practice, for every advertisement, there are such belated claims claiming reservation, though the candidates did not submit certificate from the competent authority, before the cut-off date. In view of the general importance of the question, we are of the view that the issue which fell for consideration in Ram Kumar Gijroya [Ram Kumar Gijroya v. DSSSB, (2016) 4 SCC 754 : (2016) 1 SCC (L&S) 742] requires to be considered by a larger Bench of three Judges.”

9. Learned counsel for the Petitioner is right in his submission that in wake of the unemployment in our country and the level of competition amongst candidates in competitive examinations, rights of candidates who have cleared the examinations should not be easily defeated. However, it is equally settled that eligibility conditions have to be tested on the cut-off dates prescribed in the advertisements and/or extended or fixed by the employer advertising the posts for selection. As held by the Supreme Court, if candidates are permitted to file documents in support of eligibility at any point in time after the cut-off date prescribed, it would not only lead to administrative chaos but would make the selection process unending.



Petitioner also realises this position and therefore, it is not his case that the experience certificate uploaded after the cut-off date be considered and rather his case is that the certificate was uploaded on 21.05.2024 which was the last date for submitting the certificate and therefore his candidature deserved consideration. Conscious of the fact that employment does not come easily in today's world of competition, with the consent of the parties, Court had during the course of hearing and with the help of the HR and the IT Team of the Respondent as well as the IT Team of this Court examined the portal of the Respondent on which the certificate at page 35 of the writ petition was purportedly uploaded on 21.05.2024. Since this exercise was carried out in presence of the counsel for the Petitioner, he was able to see that the certificate was not uploaded on 21.05.2024. Once the experience certificate was not uploaded on the last date, the same was rightly not considered by the Respondent and no infirmity can be found with the impugned action of cancelling the candidature of the Petitioner.

10. Writ petition is accordingly dismissed being devoid of merit. Pending application also stands disposed of.

11. Before closing the matter, Court appreciates the efforts put in by the Officers of the Respondent who are present in Court and have assisted in the matter.

JYOTI SINGH, J

SEPTEMBER 12, 2024

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