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

+ **W.P.(C) 13226/2024 & CM APPLs. 55183-84/2024**

DR MASROOR ALI QURESHI

.....Petitioner

Through: Mr. Atul Nagarajan, Mr. Surjeet
Singh Malhotra, Mr. Niyas
Valiyathodi, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
Advocate, Md. Nadeem, Under
Secretary, Ms. Mompri Dey, Legal
Consultant for R-1
Mr. Peeyoosh Kalra, Mr. Shadman
Ali, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.09.2024

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1. At the outset, counsel for the Petitioner, on instructions, states that the original challenge to the appointment of Respondent No. 3, as raised in the writ petition through the impugned order dated 11th September, 2024, is no being longer pursued. Instead, the Petitioner narrows his grievance solely to the non-consideration of his candidature. This statement is duly recorded, and the petition shall now be treated as confined to this limited aspect.
2. The Petitioner, Dr. Masroor Ali Qureshi, is a Group A Service Officer with Level 13 in the pay matrix since 2011. He currently serves as a Senior Scientist in the Central Council for Research in Unani Medicine (CCRUM) under the Ministry of AYUSH, Government of India. He previously served

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as Deputy Chief Executive Officer (Administration) in the Haj Committee of India¹ in the year 2022. He asserts that he has an unblemished service record with Outstanding/Very Good APAR rating in the last 5 years of his service. He further claims to be the most qualified and dedicated candidate, for the post in question, holding a Ph.D. in Biotechnology from Jamia Millia Islamia, New Delhi.

3. The Petitioner applied for the post of Chief Executive Officer of HCoI in response to an advertisement issued by Respondent No. 1 dated 26th June, 2024. The eligibility criteria for the post, as stated in the advertisement, are as follows:

“3. The eligibility criteria for the post is as under.

I. QUALIFICATION

A. The candidate should be a Muslim and proficient in English and Hindi/Urdu.

B. Knowledge of other Indian languages and Arabic is desirable.

C. Previous knowledge/experience about Haj is desirable.

II. EXPERIENCE

A. Officers holding posts not below the rank of Deputy Secretary in the Central Government or equivalent rank in State Governments are eligible for the post.

B. The Officer should have completed 9 years of Group 'A' service.

C. Officers in the higher pay scale in their parent cadre can also apply.

III. AGE

The applicant should not be above the age of 45 years. Relaxation in age may be considered for suitable experienced officers by the Competent Authority.

A. Pay fixation would be as per the rank of Deputy Secretary/ Director. However, if the pay fixation of the officer posted on deputation to the Haj Committee of India, happens to be lower than the pay the officer would have been entitled to, had they been in their parent cadre and would have drawn that pay but for deputation to HCoI, such difference in the pay shall be protected in the form of Personal Pay.

B. DA, CCA, HRA etc. shall be as admissible to Central Government

¹ “HCoI”



Officers of the rank of Deputy Secretary/ Director stationed in Mumbai.

C. The officer on deputation is entitled to draw deputation allowance as per rules applicable.”

4. The Petitioner concedes that he is over the age of 45. However, he argues that since the eligibility criteria includes a provision for age relaxation for suitably experienced officers, his candidature ought to have been, at the very least, considered by Respondent No. 1.

5. During the previous hearing, Mr. Atul Nagarajan, counsel for the Petitioner, clarified that the present petition is not a writ of *quo warranto* but rather a grievance concerning the non-consideration of the Petitioner’s candidature. In view of this, the Court had directed Respondent No. 1 to produce the relevant records to verify whether the Petitioner’s candidature was duly considered.

6. In this regard, copies of the note sheets in relation to the selection process has been submitted to the Court for perusal. Although the counsel for the Petitioner has reviewed the document, a copy has not been provided to him. The notings in this document clearly indicate that the Petitioner’s candidature was indeed considered. The relevant references are as follows:

“1. This is regarding selection of Chief Executive Officer (CEO), Haj Committee of India (HCoI).”

2. The application for the post of CEO, HCoI, was invited vide OM dated 26th June, 2024, with the last date to submit applications through the proper channel being 26th July, 2024. In response, a total of 8 applications were received. Among these, 3 applications were submitted through the proper channel, 4 were advance copies (not through the proper channel) and 1 was a covering letter received without any application. The summary is as follows:

<i>Sr. No.</i>	<i>Name of the Applicant</i>	<i>Present Designation</i>	<i>Present Pay Level</i>	<i>Age/DOB</i>	<i>Eligible/not Eligible</i>	<i>Remarks</i>
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1.	<i>Dr. Masroor Ali Qureshi</i>	<i>RO-Scientist</i>	<i>13</i>	<i>56 yrs 01.09.1967</i>	<i>Not eligible due to over age</i>	<i>Received through proper channel</i>
2.	<i>Dr. Ubed Ahmed Khan</i>	<i>Veterinary Officer</i>	<i>12</i>	<i>53 yrs 06.06.1971</i>	<i>Not eligible due to over age</i>	<i>Received through proper channel</i>
3.	<i>Mr. Sayed Qamar Sajjad</i>	<i>Additional District Development Commissioner</i>	<i>13</i>	<i>54 yrs 28.09.1969</i>	<i>Not eligible due to over age</i>	<i>Received through proper channel</i>
4.	<i>Mr. Md Manzarul Hasan</i>	<i>Financial Adviser and Chief Accounts Officer</i>	<i>14</i>	<i>48 yrs 04.07.1975</i>	<i>Not eligible due to over age</i>	<i>Only advance copy received</i>
5.	<i>Mr. Saddik Ahmed</i>	<i>Joint Commissioner of Income Tax</i>	<i>12</i>	<i>44 yrs 28.12.1979</i>	<i>Eligible</i>	<i>Only advance copy received</i>
6.	<i>Mr. S Shafiyullah</i>	<i>Sr. Senior Scientific Officer I</i>	<i>12</i>	<i>45 yrs 29.04.1979</i>	<i>Eligible</i>	<i>Only advance copy received</i>
7.	<i>Mr. Shaik Nur Mohammed</i>	<i>Joint Director (Systems)</i>	<i>12</i>	<i>53 yrs 24.11.1970</i>	<i>Not eligible due to over age</i>	<i>Only advance copy received</i>
8.	<i>Mr. Neyaz Ahmed</i>	<i>Dy. Comdt.</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>Only covering letter received from the cadre office"</i>

7. It is, therefore, evident that Dr. Masroor Ali Qureshi's candidature was duly considered; however, he was found ineligible on the ground of being 57 years of age, which is well beyond the stipulated upper limit of 45



years. In fact, several other candidates met the same fate; their applications were similarly not processed further as they, too, exceeded the prescribed age criteria. As a result, the Petitioner, along with others who were over the specified age limit, were not called for an interview on account of being overage.

8. It is important to note that the age criteria is expressly stated within the eligibility requirements for the post, with 45 years being the upper age limit. Although the eligibility criteria allow for relaxation, such relaxation is clearly within the discretionary power of the Competent Authority. The decision not to exercise this discretion in the Petitioner's favour does not indicate any arbitrary or unreasonable action on the part of Respondent No.1. The Petitioner has not provided any evidence suggesting that Respondent No.1 acted beyond its authority or in a manner contrary to established norms.

9. Furthermore, the discretion to relax the age limit is to be exercised only in cases where the Competent Authority deems an officer's experience to be exceptionally suitable for the post. The mere existence of the relaxation provision does not automatically entitle every overage candidate to be considered. In this instance, Respondent No.1's decision to adhere strictly to the age limit reflects a consistent application of the selection criteria to all candidates, including the Petitioner.

10. The Court must also respect the autonomy of the selection process, particularly where eligibility criteria have been pre-defined and made public. Judicial intervention in the administrative decision-making process is warranted only in cases of manifest illegality or *mala fide* intent. Here, Respondent No.1's actions appear to be a straightforward application of the



rules, leaving no grounds for the Court to interfere with the selection process.

11. In light of the foregoing, the Court is satisfied that the Petitioner's candidature was duly considered but not processed further for the reasons already discussed. Accordingly, the limited prayer of the Petitioner, as recorded in the opening paragraph of this order, stands addressed, and no further directions are deemed necessary. Accordingly, the petition is dismissed.

12. In case, the Petitioner intends to challenge the appointment of Respondent No. 3, he is free to do so, if so advised, in accordance with law. The Court has not commented on the maintainability of such a petition.

13. Disposed of alongwith pending applications.

SANJEEV NARULA, J

SEPTEMBER 27, 2024
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