2025:PHHC:124626

230 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP-3306-2022
DECIDED ON: 08.09.2025

SUNIL KUMAR

.....PETITIONER

VERSUS

UNION OF INDIA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. J.S. Thind, Advocate,
Mr. Balsher Singh, Advocate and
Ms. Divyanshu Bansal, Advocate
for the petitioner.

Mr. Sunil K. Sharma, Senior Panel Counsel
for the respondent-UOI

*****

SANDEEP MOUDGIL, J

1. ***Prayer***

Through the instant petition under Articles 226/227 of the Constitution of India, the petitioner is seeking direction to respondents to permit him to join on the post of Constable (GD).

2. ***Brief Facts***

The petitioner applied for the post of Constable (GD) in CAPFs for the year 2015 under the Scheduled Caste category. After document verification, he was issued an admit card and appeared for the Physical Endurance Test (PET) on 16.07.2015, which he qualified. Subsequently, he appeared for the written

SHAM SUNDER
2025.09.16 18:48
I attest to the accuracy and
integrity of this document

examination on 04.10.2015 and secured 76 marks, whereas other SC category candidates such as Lalit Kumar and Khemchand, who scored 75 marks each, were selected. The petitioner was called for a medical examination on 07.06.2016, declared unfit initially, but later found FIT upon review on 02.09.2016. Despite meeting all eligibility criteria and securing higher marks than some selected candidates, the petitioner was not issued an appointment letter when the final result was declared on 03.02.2017.

He filed multiple RTI applications and made repeated representations to the respondents, but received no satisfactory response or resolution. Aggrieved by the inaction and apparent discrimination, the petitioner has filed this writ petition seeking appropriate relief.

3. ***Contentions***

On behalf of petitioner

Learned counsel for the petitioner has contended that the sole ground for rejection of the candidature of the petitioner is that he furnished SC certificate issued by Naib Tehsildar whereas, as per terms and conditions of the advertisement, the petitioner was supposed to furnish SC category certificate issued by an officer not below the rank of Tehsildar.

On behalf of respondents

It has been contended by learned counsel for the respondents that in the present case the petitioner had submitted SC certificate dated 20.05.2016 issued by Naib Tehsildar, which is not in order because as per the list of authorities empowered to issue caste/tribe certificate, mentioned in Annexure VI of the notification issued by SSC/Nodal Agency SC/ST certificate must be issued by the Tehsildar. The petitioner had submitted SC Certificate issued by Naib Tehsildar,

SHAM SUNDER
2025.09.16 18:48
I attest to the accuracy and
integrity of this document

who is below the rank of Tehsildar. As per existing instructions issued by SSC/Nodal Agency, SC certificate must be submitted in prescribed format as Annexure-VI issued by the Tehsildar otherwise candidature of the applicants will be considered under General (UR) category. Since the Date of Birth of the petitioner is 13.01.1989 and therefore he is not eligible for General (UR) category quota being overage, hence, his candidature was rejected.

Heard learned counsel for the respective parties.

4. ***Analysis***

On perusal of record, it is evident that the petitioner had duly qualified all stages of the selection process for the post of Constable (GD) in CAPFs for the year 2015, including the Physical Endurance Test, Written Examination, and Medical Examination (upon review). He secured 76 marks higher than other selected candidates from the same Scheduled Caste (SC) category.

The only ground for rejection of the petitioner's candidature is the submission of an SC certificate issued by a *Naib Tehsildar*, instead of a *Tehsildar*, as stipulated in the recruitment notification. It is not in dispute that the petitioner indeed belongs to a Scheduled Caste and that there was no intention to misrepresent or furnish false information. However, it is a settled position in law that procedural or technical lapses should not defeat the substantive rights of a candidate, particularly when the candidate belongs to a marginalized category and no malafide or fraud is attributed to him. The petitioner's SC status has not been disputed on merit, and the certificate was issued by a competent revenue officer.

Further, rejecting the candidature on such a hyper-technical ground, despite the petitioner having proven his merit and eligibility otherwise, amounts to

SHAM SUNDER
2025.09.16 18:48
I attest to the accuracy and
integrity of this document

arbitrary and unjust denial of equal opportunity under Article 14 of the Constitution of India.

In ***Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754***, the Apex Court held that when a candidate has substantially complied with eligibility requirements, minor procedural defects especially curable ones should not defeat a genuine candidature. The Court emphasized that authorities should not act mechanically and must afford reasonable opportunity for compliance.

In the present case, there is no allegation of fraud or misrepresentation by the petitioner. The certificate submitted was genuine, and the only issue was the rank of the issuing authority a matter easily curable had the respondents afforded an opportunity.

Rejection of the petitioner's candidature without providing an opportunity to submit a correct certificate amounts to arbitrary exercise of power. It violates the principles of natural justice and the fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India.

The action of the respondents is further tainted by discrimination, as candidates with lower merit were selected under the SC category, while the petitioner was excluded without just cause.

4. ***Conclusion***

In view of the above discussion, the Court finds that the rejection of the petitioner's candidature on the ground of submission of a caste certificate issued by a Naib Tehsildar without affording him an opportunity to submit a valid certificate issued by a competent authority is unjustified, arbitrary, and unsustainable in law.

SHAM SUNDER
2025.09.16 18:48
I attest to the accuracy and
integrity of this document

6. ***Relief***

Accordingly, the writ petition is allowed.

The respondents are directed to reconsider the petitioner's candidature under the Scheduled Caste category for the post of Constable (GD) in CAPFs, 2015; Issue an appointment letter to the petitioner, if he is otherwise eligible, within eight (8) weeks from the date of receipt of this order; Grant the petitioner notional seniority and continuity of service from the date similarly placed candidates were appointed.

However, monetary benefits shall be restricted to the date of his actual joining; ensure that no further technical objections are raised, provided the petitioner submits a caste certificate issued by a competent authority (Tehsildar or above).

(SANDEEP MOUDGIL)
JUDGE

08.09.2025
sham

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

SHAM SUNDER
2025.09.16 18:48
I attest to the accuracy and
integrity of this document