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

+ **W.P.(C) 3101/2025**

SACHIN SHARMA & ORS.

.....Petitioners

Through: Mr. Gagan Chawla and Ms. Harshita
Sabharwal, Advs.

versus

LIEUTENANT GOVERNOR & ORS.

.....Respondents

Through: Ms. Avnish Ahlawat, SC along with
Mr. N.K. Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam, Mr.
Mohnish Sehrawat and Mr. Amitoj
Chadha, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

17.03.2025

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1. The grievance raised in the present petition is identical to that raised in W.P.(C) 2681/2025 and other connected matters. The same has been disposed off vide order dated 17.3.2025, which reads as under :

13. The grievance raised by the petitioners in the aforesaid batch of petitions is that the respondents have not declared the complete results pursuant to the selection process initiated vide advertisement number DIP/ Shabdarth / Classified /0308 /23-24 dated 24.01.2024 issued by the Directorate General of Home Guards, Govt. Of NCT of Delhi (respondent No.1), for selection of Home Guards.

14. It is submitted that the petitioners are candidates / applicants, who appeared in the examination for enrolment of Home Guards.

15. It is submitted that the selection process entailed that the candidates would initially participate in a Physical Measurement and Efficiency Test (PMET). The same was followed by a written examination. Those candidates who cleared the PMET and written examination were required to submit the requisite documents for the purpose of selection / declaration of results.



16. *Learned counsel for the petitioners submits that while awaiting the declaration of results, they were surprised to see that the website (<https://dghgenrollment.in/>) of the respondent DGHG showed that there was a link made available for viewing the results however, when they tried to login after having put in their credentials, a dialogue box appeared on the screen, displaying 'INVALID DETAILS'.*

17. *It is submitted that on another website namely homeguard.gov.delhi.in, a notification was published showing final results for the different categories, however, when the link was clicked, a merit list was displayed; however, from a perusal thereof, the petitioners are unable to discern the reasons for their non-selection pursuant to the selection process.*

18. *In the counter-affidavit, filed on behalf of the respondents, the manner in which the selection process was carried out has been set out in detail. The relevant portion of the counter-affidavit is extracted as under:*

"3. That an Advertisement dated 23.01.2024 was issued by Directorate General of Home Guards, GNCTD for enrolment of 10,285 Home Guards Volunteers for a term of three years which may be extended by two years and online applications were invited w.e.f. 14.01.2024 to 13.02.2024. Copy of the advertisement is annexed as ANNEXURE-R2.

4. That in the advertisement it was clearly mentioned "The vacancies are tentative, which may be decreased or increased depending upon the actual requirement at the time of final enrolment." Further the total advertised 10,285 vacancies were also including the anticipated vacancies of the then existing Home Guard volunteers to whom extension in stipulated tenure was given by the Respondents.

5. That complete details about eligibility criteria, method of enrolment, inter-se ranking, declaration of results, enrolment of Ex-Home Guard volunteer, medical examination and verification of character and antecedents were given in the advertisement.



6. That the method of enrolment for Home Guards Volunteers as per the advertisement was as follows:

Stage I-Physical Measurement & Efficiency Test (PMET) of qualifying nature only.

Stage II-Written Test and award of bonus marks.

7. That final selection of candidates for the available vacancies was made as per the merit list of written test and verification bonus marks of only those candidates who have qualified both the stages.

8. That it was specifically mentioned in the advertisement that only those candidates who qualify the Physical Measurement & Efficiency Test can appear in the written test. Selection will be made as per the merit which shall be finalized by adding bonus marks wherever applicable to the written examination marks and the selection candidates will have to qualify Medical Examination and will have to submit police verification certificate. Ex-servicemen/EX-CPMF were exempted from appearing in the Written Test.

9. That as per the Advertisement in the inter-se ranking was determined as follows:

3. Inter-Se-Ranking

The criteria for inter-se-ranking of the candidates who obtain the same total marks (i.e., total marks of Written Test and Bonus marks) has been decided as follows:

1. The candidate who scored better in written test would be given preference.

2. If the written marks of two or more candidates are same, the candidates merit would be arranged in order of their height (i.e. taller candidate would be kept higher in merit);

3. If the height of two or more candidates would be same, they will be allotted merit in order of their age (i.e. older candidate would be considered higher in merit),

4. If the dates of birth of two or more candidate are same, they will be considered in merit as per alphabet of their name (i.e. such candidates merit would be allotted



after arranging their names in alphabetical order.).

10. That on receipt of final results (marks obtained in written test and bonus marks), and following the criteria for inter-se ranking among the candidates who obtain the same marks as fixed at para-3 of the advertisement, a meeting of the Selection Board was held to finalize the merit list of the candidates for submission to the Directorate General Home Guards for approval; and thereafter the selection list for enrolment of Home Guard volunteers was published on the website and pasted on the notice board in the Directorate's Headquarters.

11. That the Directorate of Home Guards, GNCTD also issued Standing Order No.15 dated 19.01.2024 with the Subject: Enrolment of Home Guards Volunteers, General Duty in the Directorate General of Home Guards, Delhi and the same was approved by the Lt. Governor of Delhi. Copy of Standing Order No.15 is annexed as ANNEXURE-R3.

12. That in accordance with Standing Order No.15 and the Advertisement, the enrolment process was conducted through duly Selection Board and 09 Physical Measurement & Efficiency Test (PMET) conducting Boards.

13. That as per the Para-5 of Standing Order No.15, Selection Board under chairmanship of senior I.A.S. (Deputy Commissioner nominated by Divisional Commissioner) was constituted for enrolment process. Further Boards consisting of DCP, ACP of Delhi Police and SDM Tehsildar were constituted for each and every ground for conduct of Physical Measurement and Efficiency Test (PMET).

14. That 1,09,001 candidates applied for Home Guard Volunteers and PMET was conducted w.e.f. 17.09.2024 to 24.09.2024, for which out of 1,09,007 applicants, only 32,511 candidates reported for PMET and out of them 3,188 candidates qualified in the PMET. Copy of the list of candidates who qualified PMET is annexed as ANNEXURE-R4.



15. That as per Para-4 of Standing Order No.15 a senior IAS Officer was nominated as Controller Examination Computer Based who supervised the Written Test conducted on 06.10.2024.

16. That Computer Based Written Test was conducted through outsource agency Central Electronics Limited (CEL, Mini Ratna Enterprise of Government of India) on 06.10.2024 in which 3,044 candidates appeared. Copy of the list of candidates who appeared for written test is annexed as ANNEXURE-R5.

17. That the response of candidates along with answer keys were made available to candidates on 07.10.2024 with "Objection Raising" platform facility opened for 48 Hours and E-mails were sent to 3,044 candidates informing the same. The answer keys are still available on enrolment Portal <http://dghgenrollment.in/>. After considering the objections received from the candidates, final result was published giving benefit of marks in three questions to all 3,044 candidates.

18. That 04 Boards were constituted for carrying out of Document verification w.e.f. 15.10.2024 with Biometric verification with the Biometrics captured during PMET and Written Test. Further on receiving representations of candidates for alleged anomalies in document verification, all the 04(Four) Document verification Boards vide order dated 11.02.2025 were ordered to re-examine the reports submitted by them with the documents attached by the Document Verification.

19. That for Document/Bonus marks Verification 3,110 candidates (3,044 who appeared in written test + 66 ex-service personnel exempted from written as per standing order) were called for document verification and the same was carried out w.e.f. 16.10.2024 to 25.10.2024. Copy of list of 3110 candidates who appeared for document verification is annexed as ANNEXURE-R6.

20. That out of those 3,110 candidates who appeared for document verification, 55 candidates absented, and 493



number of candidates were disqualified owing to non-production of required documents to meet eligibility criteria and as such recommended to be removed from consideration. Hence total 2,562 candidates were found eligible for considering them be included in category-wise merit list.

21. That some of the candidates failed to produce the Caste/Category certificates and were treated as unreserved candidates and the bonus marks claimed by the candidates were also verified by supporting documents and the Bonus marks were amended accordingly.

22. That it is submitted that number of individuals who were performing duty as Home Guards have approached the Labour Court and the Hon'ble High Court of Delhi seeking regularization and relaxation in the recruitment Rules for those who are already working. This position is contrary to the law laid down by the Hon'ble Supreme Court of India in **Jiban Krishna Mondal & Ors. vs. State of West Bengal & Ors. (2015) 12 SCC 74 and Grah Rakshat, Home Guards Welfare Association vs. State of Himachal Pradesh & Ors. (2015) 6 SCC 247** wherein the Hon'ble SC has categorically held that Home Guard Volunteers cannot seek/allowed regularization, they being enrolled as Volunteers for a specific tenure. Copy of the judgments is annexed as **ANNEXURE-R7**.

23. That because of the litigation pending in the Hon'ble High Court from the Award passed by the Labour Court as well as the Writ Petitions challenging the Recruitment Rules recruitment process, the Hon'ble Lt. Governor, Delhi decided that presently for 2,346 vacancies only the candidates be enrolled. Copy of letter dated 14.11.2024 is annexed as **ANNEXURE-R8**.

24. That on the basis of approval of 2,346 vacancies, the category wise merit list was formulated in accordance with the Standing Order dated 19.01.2024. Copy is annexed as **ANNEXURE-R9**.

25. That the Merit lists of each category was uploaded on the



website of the Directorate General of Home Guards and also the result was uploaded on enrolment Portal calling the candidates for Medical Examinations by Medical Board in different Hospitals of GNCTD Delhi. Copy of category wise merit list of eligible available candidates is annexed as ANNEXURE-R10.

There was short fall in ST/OBC and Female candidates as such 1,14 candidates in Male Category and 198 candidates in Female Category total 1,412 candidates were called for medical examination. Copy of list of 1412 candidates who were called for medical examination is annexed as ANNEXURE-R11.

26. That it is also pertinent to mention here that in UR Male Category the merit closed at 45 marks and SC at 32 marks. Since on first declaration of the result, 506 vacancies in Female Categories were not filled up as Female candidates were not available, a decision was taken by the competent authority to fill 196 Female-UR Category vacancies from the list of Male-UR Category and so also, 61 SC Male vacancies were also filled up from SC Female Category lying vacant. Copy of the approval dated 17.12.2024 is annexed as ANNEXURE-R12.

27. That these 257 candidates were called for medical examination, and second merit list was prepared for these 257 candidates, and the last selected UR-Male candidate secure 41 marks. Copy of the list of 257 candidates who were called for medical examination in the second list is annexed as ANNEXURE-R13.

28. That in view of the submissions made hereinabove, it is most respectfully submitted the Delhi Home Guards is a voluntary body of persons (Home Guard Volunteers), constituted under the aforementioned Act, which functions within the framework of the Delhi Home Guards Rules, 1959 and the Chief Commissioner i.e. Lieutenant Governor of Delhi may make Rules regarding Command, control, organisation, appointment of members, condition of service, and functions etc. of Home Guards Volunteers.

29. That the enrolment of Home Guards was carried out as per



advertisement in which it was clearly mentioned that the 10,285 vacancies are tentative, which may be decreased or increased depending upon the actual requirement at the time of final enrolment.

30. That being a Voluntary organisation, the requirement of Home Guard volunteers is liable to vary and altering the number of vacancies from 10,285 to 2,346 was a decision taken by the Respondents with the approval of the Hon'ble Lieutenant Governor of Delhi after taking into account the existing number of serving Home Guards Volunteers with respect to whom the disputes are pending before the Hon'ble High Court.

31. That it may also be pointed out that being a Voluntary – Uniform organisation, the individuals performing the emergent duties, they are required to be medically fit also. In this process of selection, as already submitted that though more than one lakh candidates could be selected and ultimately only 1669 number of candidates could be selected who can perform the emergency voluntary duties wherever they can perform. Since a large number of candidates also could not meet the medical standards, representations were made for a second medical board, though not permissible in law, but a decision has been taken to allow a review medical board of candidates rejected in medical. This process has been already initiated and will start in a week. The information to the candidates is being sent for this purpose.

32. That the present Writ Petition is devoid of any merit as the Petitioner in the present case has not been able to make the grade in the merit list. All notified vacancies under UR-Male and Female Category stands filled up. The leftover vacancies are of the category Male-SC/ST/OBC (350 vacancies) and Female SC/ST/OBC (327 vacancies). The Petitioners since belong to UR-Male category does not make the grade. Presently, there are 677 unfilled vacancies in SC/ST/OBC Category of Male and Female.

33. That there were 2,562 candidates who were found eligible



for considering them be included in category-wise merit list and exhausting first merit list of 1412 candidates and extended merit 257 candidates, there are remaining 893 candidates in UR-Male Category who could not make into in any of the merit list.”

19. *As such, it is evident that the selection process has culminated into selection of $1442 + 257 = 1669$ candidates .*

20. *Prima facie, from the facts as narrated in the aforesaid counter-affidavit there is nothing amiss in the manner in which the selection process has been carried out. However, the grievance of the petitioners is that the reasons for non-selection of candidates have not been communicated to the unsuccessful candidates. It is submitted that the respondents ought to have disclosed the basis for non-selection of unsuccessful candidates. viz. whether the same was on account of non-submission of document/s and /or on account of their rank in the merit list being below the cut off point, or any other reason as may be applicable.*

21. *After some hearing, learned counsel for the respondents submits that the manner in which the selection process has been carried out, as disclosed in the counter-affidavit, and also the specific reason/s for non-selection of each of the unsuccessful candidates, shall be set out in the website of the respondent i.e. <https://dghgenrollment.in>. It is further submitted that candidates whose selection has been held up for want of medical clearance, shall be called for a re-medical examination.*

22. *It is submitted that the requisite details shall be uploaded as expeditiously as possible and in any event within a period of four weeks from today.*

23. *In the circumstances, taking the aforesaid statement on record, no further orders are directed to be passed in the aforesaid petitions. The same are accordingly, disposed of.*

24. *Needless to say, in case the petitioners are aggrieved with the specific reason/s cited for their non-selection, they shall be at liberty to avail appropriate remedies under law.*



2. The present petition is also, accordingly, disposed of in the aforesaid terms.

MARCH 17, 2025/cl

SACHIN DATTA, J