



2025:DHC:7545



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

% ***Decided on: 29.08.2025***

+ W.P.(C) 3627/2025

JATIN GROVER

.....Petitioner

Through: Mr. Jatin Grover, Petitioner in
Person.

versus

INDIAN RENEWABLE ENERGY DEVELOPMENT
AGENCY LIMITED & ORS.

.....Respondents

Through: Mr. Sangram Patnaik, Ms.
Swayam Sidha Patnaik, Mr. Varun
Raghuran, Mr. Dilshad Ahmed,
Ms. Isha Jaiswal & Ms. Vanya
Sharma, Advocates for R-1 with
Mr. Harsh Patidar & Mr. Abhishek
Gautam, AR of IREDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. This is the third writ petition filed by the present petitioner with regard to his application for the post of Protocol Officer in the respondent- Indian Renewable Energy Development Agency Limited ["IREDA"], pursuant to an advertisement issued in the year 2022.

A. THE CONTROVERSY:

2. The post in question was that of Protocol Officer/Technical Assistant/Officer on Special Duty [E-0 Level on regular basis], for which



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the following educational/professional qualifications and post-qualification experience were provided in the advertisement:

Position/level	Educational/Professional Qualification	Post Qualification Experience
Protocol Officer/Technical Assistant/Officer on Special Duty E-0 Level (on regular basis)	<i>Bachelors Degree of Minimum 3 years duration in any discipline with Post Graduate Qualification of minimum of two years.</i>	<u>Minimum 10 years Post-qualification experience with exposure to Government Rules & Procedures in HR & Admn. / Finance/ Technical Law/ Company Secretary/ Vigilance/ Coordination and Protocols in Government/Public Sector Undertakings.</u> ¹ <i>Candidates presently holding supervisory posts in S-1 Level (IREDA Pay Scale of Rs. 28000-3%-75000 and above or equivalent) shall be eligible to apply.</i>

3. As further elaborated below, the petitioner first challenged the qualifications mentioned in the Advertisement, but the controversy in the present case is as to whether he was eligible for the said post in terms of the advertised eligibility qualifications. In response to an administrative grievance raised by the petitioner, IREDA has stated its position in a communication dated 16.07.2022 addressed to him. As far as the post of Protocol Officer is concerned, it was stated as follows:

“3. Case II (Rejection of your application by IREDA for the post of Protocol Officer):

IREDA's Reply: As per the specifications advertised by IREDA for the post of Protocol Officer, the candidates presently holding supervisory posts in S-1 level (IREDA pay scale of Rs. 28000-3%-75000 and above or equivalent) in Government/ Public Sector Undertakings were eligible to apply. You were engaged by

¹ Emphasis supplied.



manpower agency and not working for Government/ Public Sector Undertakings. You were not meeting the eligibility criteria and therefore, your application was rejected. Hence, the allegation made by you is false and baseless.”

4. It is the petitioner’s submission that he holds a degree of Bachelor of Commerce [“B.Com”] from Delhi University and a five-year postgraduate qualification as a Cost Accountant from the Institute of Cost Accountants of India.

5. The petitioner asserts that he also has the requisite experience of ten years, having worked for nine years as a Cost Accountant in IREDA itself and for six years prior to that in Delhi Metro Rail Corporation [“DMRC”], which is also a PSU. It is the admitted position that his services in DMRC and IREDA were through a manpower outsourcing agency. However, the petitioner contends that his deployment in IREDA was pursuant to interview with IREDA officers directly, and in terms of its own internal procedures and practices.

B. LITIGATION HISTORY:

6. The petitioner first approached this Court challenging the recruitment by way of W.P.(C) 6884/2022. The writ petition was dismissed by judgment dated 15.12.2023, holding that the petitioner had challenged the recruitment process but not the recruitment policy, and that having applied under the advertisement in question, the petitioner was not entitled to challenge the procedure. The Court also recorded as follows:

“50. It may also be noted by this Court that the petitioner having applied under the post of E-0 level, does not possess the essential requirements such as the 10 years of post-qualifying experience in order for his candidature to be considered by the respondent no.1



51. Since, the petitioner has not prayed for considering his candidature to the said post and has merely sort² for a relief challenging the manner of recruitment not being transparent on the ground that it is violative of fundamental right to equality of opportunity, this Court deems it irrelevant to go into the merits of his candidature.

52. This Court after perusing the law laid down by the Hon'ble Supreme Court and the factual matrix of the instant petition is of the considered view that firstly, **the petitioner cannot challenge the recruitment process subsequently after having participated in it** merely because the selection was unfavourable for him and secondly, although the courts have wide discretion in issuing writs, they (yet) cannot grant a relief which is not prayed by the petitioner.”³

7. The petitioner assailed the aforesaid judgment in LPA 247/2024, but withdrew the appeal on 10.07.2024, with liberty to take steps before the appropriate Court.

8. The petitioner then filed a Public Interest Litigation [“PIL”] by way of W.P.(C) 12668/2024, challenging the recruitment process as well as the recruitment policy. The PIL was dismissed, by judgment dated 10.09.2024, on the ground that a PIL is not maintainable in the case of a service dispute. However, the Division Bench also examined the issue on facts, noting the judgment of this Court dated 15.12.2023; the decisions of the Supreme Court in *Chandra Prakash Tiwari v. Shakuntala Shukla*⁴ and *Ramesh Chandra Shah v. Anil Joshi*⁵; and the judgment of a coordinate Bench of this Court in *Karan Singh Meena v. Registrar General, Delhi High Court & Anr*⁶. It dismissed the PIL reiterating the settled principle of law that persons who participated in the recruitment

² [sic].

³ Emphasis supplied.

⁴ (2002) 6 SCC 127.

⁵ (2013) 11 SCC 309.

⁶ 2022 SCC OnLine Del 3098.



process cannot challenge the process once they are found to be unsuccessful.

9. The matter was carried to the Supreme Court in SLP(C) 28913/2024, but the Supreme Court declined special leave to appeal, by an order dated 16.12.2024.

10. The petitioner has then filed the present writ petition in February 2025, with the following prayers:

- “a) A writ of mandamus directing the respondent no. 1 to consider the candidature of the petitioner for the post of Protocol Officer, E-O level;*
- b) A writ of Certiorari directing the Respondent No. 1 to set aside the recruitment no. IREDA/RECRUITMENT /HR/O 1/2021 and cancel the recruitment of Respondent no. 6 to I 1;*
- c) Call for the records of the recruitment process under the recruitment no. IREDA/RECRUITMENT/ HR/01/2021;*
- d) The one vacancy be kept vacant against the post of Protocol Officer, E-O level;*
- e) Such further and other orders as this Hon’ble Court deem fit just and proper in the facts and circumstances of the case”*

11. By an order dated 24.03.2025, the Court recorded the submission of the petitioner that, in view of the earlier judgment of this Court, he will limit himself to the question as to whether his candidature ought to have been considered in terms of the advertised qualifications for the post.

12. By the same order, IREDA was directed to file an affidavit, specifically addressing the following issues:

- “12. IREDA is directed to file an affidavit within two weeks thereafter, dealing specifically with the following aspects:*
- (a) The exact deficiency in qualification due to which the petitioner’s candidature was not considered.*
- (b) Whether only candidates holding posts in Government/Public Sector Undertakings were considered and/or appointed.*
- (c) Whether any candidate employed at the applicable level in IREDA or Public Sector Undertakings through manpower outsourcing agencies was considered or appointed.*



(d) IREDA's involvement in the petitioner's original appointment and extensions.

(e) Whether any of the posts of "Protocol Officer/Technical Assistant/Officer on Special Duties E-0 Level" advertised in the in the advertisement in question, in the unreserved category, remain vacant."

13. An affidavit has been filed on 22.08.2025, in which IREDA has stated as follows:

- (a) As far as the deficiencies in the petitioner's qualifications are concerned, they were on account of the fact that he did not hold a supervisory post at S-1 Level in a regular pay scale, that employment through a manpower agency does not equate to the stipulated eligibility criteria, and that he was not employed by the Government or PSUs;
- (b) IREDA further stated that only candidates holding posts in Government and PSUs were considered and appointed to the post in question;
- (c) none of the selected candidates were employed in IREDA or other PSUs through manpower outsourcing agencies;
- (d) As far as IREDA's involvement in the petitioner's original appointment is concerned, it was reiterated that he was employed through a manpower agency and that his initial deployment as well as subsequent extensions were all through the said agency, based upon the operational needs of the organisation;
- (e) With regard to the vacancy position, IREDA has stated that two posts in the unreserved category remained vacant but that the recruitment process has since been concluded.



C. DISCUSSION:

14. I have heard the petitioner, Mr. Jatin Grover, who appears in person, and Mr. Sangram Patnaik, learned counsel for IREDA.

15. The respondent has contended that the petitioner was ineligible for the post on the following three grounds: a) lack of ten years' post-qualification experience; (b) not having worked in Government/PSUs; and (c) not holding a supervisory post in S-1 level [IREDA Pay Scale of Rs. 28000-3%-75000]. While all three grounds have been urged in the respondent's affidavit, I am of the view that the case can be disposed of on the short ground that the petitioner did not have the requisite experience "*in Government/PSUs*". In this connection, an extract from the petitioner's application form, dealing with his work/experience details, is reproduced below:

Work/Experience Details				
Organization Name	Type of Organization	Designation	Level of Designation	From - To
R.K.PROJECTS PVT LTD	State Government	ACCOUNT ASSISTANT	Non-Executive Level	01/08/2004 - 31/12/2011
R.K.PROJECTS PVT LTD	State Government	ACCOUNT ASSISTANT	Non-Executive Level	01/01/2013 - 30/04/2014
KESHAV SECURITY SERVICES PRIVATE LIMITED	Central PSE	ACCOUNTANT	Executive Level	01/05/2014 - 31/10/2014
FDS MANAGEMENT SERVICES PVT LTD	Central PSE	ACCOUNTANT	Executive Level	01/11/2014 - 31/03/2018
LM &	Central	ACCOUNTANT	Executive	01/04/2019 -



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ASSOCIATES	Government		Level	Till Date
Total Experience		15 YEAR(S) 4 MONTH(S) 25 DAY(S)		
Training Details-				
I HAVE DONE 1 YEAR ICWA TRAINING IN IREDA FROM 1.1.2012 TO 31.12.2012				

16. The admitted position, evident from the above extracts of his application form, is that the petitioner's employment, from 01.08.2004 until the date of application, was with private entities, namely R.K. Projects Pvt. Ltd., Keshav Security Services Pvt. Ltd., FDS Management Services Pvt. Ltd., and LM & Associates. He furnished these details under the heading "*Organization Name*", but characterised the employers as "*State Government*"/"*Central Public Sector Enterprise*"/"*Central Government*", under the heading "*Type of Organization*". In my view, this characterisation was misleading. The petitioner was employed by outsourcing agencies, and merely deployed to various organisations, including IREDA. Such deployment does not satisfy the eligibility requirements, which are once again reproduced below:

"Position/Level – Protocol Officer/ Technical Assistant/Officer on Special Duty E-0 Level (On Regular Basis):

• ***Educational/ Professional Qualification*** -Bachelors Degree of Minimum 3 years duration in any discipline with Post Graduate Qualification of minimum two years.

• ***Post Qualification Experience*** -

Minimum 10 years Post-Qualification experience with exposure to Government Rules Procedures in HR & Admin./ Finance/Technical/ Law/ Company Secretary/ Vigilance/ Coordination and Protocol **in Government/ Public Sector Undertakings.**

• ***Maximum Age Limit (Years) (As on 31.12.2021)***
50 years"⁷

⁷ Emphasis supplied.



17. It is submitted by the petitioner that the requirement of experience “in Government/Public Sector Undertakings” applies only to the last mentioned category, being Coordination and Protocol. According to him, his experience was in various other fields, which did not require employment in Government or PSU. Such an interpretation does not commend to me. The fields in which experience could be reckoned were specified, but the requirement of experience in Government/PSUs was applicable to the post as a whole. It may be noted that, in the very same advertisement, eight other posts were also advertised, and experience in private sector organisations was specifically mentioned as part of the eligibility conditions against some of those posts, but not against the post of “Protocol Officer”. In any event, no challenge to the condition itself is available to the petitioner in this third round of litigation, having already unsuccessfully assailed the recruitment process and the Recruitment Policy on two earlier occasions.

18. It was further submitted by the petitioner that IREDA’s past practice includes consideration of outsourced manpower deployed in Government/PSUs. For this purpose, he drew my attention to an advertisement issued in the year 2010 for the post of Assistant Accounts Officer, also at E-0 Level, wherein the experience qualifications were mentioned as follows:

*“Minimum 1 year post qualification experience in the executive cadre in the area of Finance and Accounts **in a reputed Organisation / Bank / Financial Institution / PSU.**”⁸*

The petitioner submitted that one of the candidates considered against this

⁸ Emphasis supplied.



advertisement was, in fact, like him, deployed in IREDA through an outsourcing agency. The contention is entirely untenable. The recruitment, the post, and, most importantly, the experience qualifications prescribed were dissimilar to the present case. Significantly, in the experience requirement for the said post of Assistant Accounts Officer, experience of Finance and Accounts in “*a reputed Organisation/Bank/Financial Institution/PSU*” was required. The required experience was thus not limited to Government/PSUs as in the present case.

19. While the aforesaid issue is sufficient to dispose of the petition, the other two qualifications [length of experience and level of experience] may also be dealt with briefly:

(a) As far as the requirement of ten years’ experience is concerned, the respondent’s case is that the petitioner obtained his B.Com degree in the year 2013, as revealed in the application, and therefore, did not have ten years of post-qualification experience as of 31.12.2021, which was the cut-off date provided in Clause 4 of the General Conditions of the advertisement. In this connection, the petitioner has rightly drawn my attention to a corrigendum dated 15.03.2022, which substituted the term “*Post Qualification Experience*” with the term “*Experience*”. This contention of the respondent, therefore, does not warrant acceptance.

(b) As far as experience at the S-1 Level is concerned, however, I am of the view that the respondent’s submissions are justified. The respondent has stated in its affidavit that the petitioner was not eligible in terms of the advertisement, as he did not have the requisite experience in the Government or PSUs, and his pay scale could therefore not be



assessed in terms of the equivalence provided in the advertisement. The petitioner's response is that his contract was renewed for the period 01.05.2016 to 30.04.2017 in terms of IREDA's own note sheet, which records as follows:

"On the basis of earlier approved policy, the following consolidated amount may be fixed based on sum of basic pay & dearness allowance at E-0 level (at present Rs. 26,788) less 5-15% (approx.) which is introduction level of these professional in IREDA.

Upto one year Experience (approx... 15% less) -22,770/- p.m.

Upto Two year Experience (approx.. 10% less) -24,110/- p.m.

Upto Three year Experience (approx.. 5% less)-25,450/- p.m.

Further, the contract of Mr. Jatin Grover is going to be expire on 01.05.2016. Hence, the contract may be required to extend upto 30.04.2017.

Hence, CMD is requested to accord approval for the following:-

1) To extend the contract of Mr. Jatin Grover w.e.f. 1-5-2016 to 30.04.2017 @ 25,450/- p.m.⁹

The aforesaid noting does not suggest that the petitioner was employed at E-0 level, which, according to him, is two stages higher than S-1 level, but that his remuneration was fixed on a consolidated basis, taking remuneration at E-0 level as a base and deducting 5% to 15% from that, dependent upon experience. His consolidated remuneration was then fixed at ₹25,450/- per month, which is not comparable to the S-1 level mentioned in the Advertisement.

20. Having regard to these facts, and particularly to the fact that the petitioner's experience was, in my view, not in Government/PSUs, I do not find any infirmity in the view taken by the respondent. The scope of judicial review in such matters is limited, as evident from the following

⁹ Emphasis supplied.



observations of the Supreme Court in *Maharashtra Public Service Commission v. Sandeep Shriram Warade*¹⁰:

“9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. **It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work.** The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive rewriting of the advertisement. **Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same.** If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”¹¹

21. The respondent’s affidavit was called for, to satisfy the conscience of the Court that the respondent’s pleas had not been taken in a discriminatory or *mala fide* manner, and that the same principles were being uniformly followed. The said issue has been answered satisfactorily.

22. It was emphasised by Mr. Patnaik that the issues raised in this writ petition could have been raised by the petitioner in his earlier writ petition, which he chose not to do, and that the petition, therefore, ought to be dismissed on the ground of constructive *res judicata* or principles analogous thereto. While the submission is merited, I have nevertheless examined the petitioner’s case on merits also, to satisfy myself that no

¹⁰ (2019) 6 SCC 362.

¹¹ Emphasis supplied.



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injustice is being done to him.

D. **Conclusion:**

23. In view of the above, I do not find any merit in this writ petition, which is accordingly dismissed.

PRATEEK JALAN, J

AUGUST 29, 2025

‘pv/Jishnu’/