



2025:DHC:4919



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Delivered on: 28.05.2025

+ W.P.(C) 4247/2025

DR. AKASH LAXMANRAO NARADE

.....Petitioner

Through: Mr. Ishan Sanghi, Ms. Sagrika
Wadhwa and Ms. Poorvashi Kalra,
Adv.

versus

GOVT. OF NCT OF DELHI THROUGH THE SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT
& ORS.

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Mr.
Ayush Tanwar, Adv. for UOI.
Mr. V. Balaji, Adv. for R-1 with Mr.
Nizamuddin, Adv.
Mr. M.A. Niyazi, (*Amicus Curiae*)
Ms. Anamika Ghai Niyazi, Ms.
Nehmat Sethi, Ms. Kirti Bhardwaj
and Mr. Arquam Ali, Adv.
Ms. Ruchira Gupta, Mr. Amit Kumar
and Mr. Abhishek Verma, Adv. for
R-3/NBEMS.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed under Article 226 of the Constitution of India seeking following relief:

“a. Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the allotment of sponsored DNB seats by



respondents No. 1 and 2 due to allotment of seats to ineligible in-service doctors who do not meet the eligibility criteria as prescribed by NBEMS.

b. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents No. 1 and 2 to re-allot the sponsored DNB seats strictly in accordance with the eligibility conditions stipulated by NBEMS.

c. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents No. 1 and 2 to allot a Sponsored DNB seat under OBC category to the petitioner in accordance with his merit.

d. Pass an interim order staying the joining of ineligible candidates in Sponsored DNB seats pending the final disposal of the present writ petition.”

2. The case set out by the petitioner in the writ petition is that the petitioner is working under the Health and Family Department, Govt. of NCT of Delhi and joined services on 18.02.2015 as Medical Officer and was promoted to Senior Medical Officer on 18.02.2019.

3. The petitioner appeared in NEET PG 2024 Examination on 11.08.2024. The result of the examination as ‘in service’ candidate under the category of OBC-NCL, was declared on 23.08.2024, in which the petitioner secured All India Rank of 1,60,619.

4. The respondent no.2 issued a notification on 14.02.2025 inviting applications from doctors who have qualified NEET PG 2024 and are in service of Govt. of NCT of Delhi for counselling of allotment of various DNB seats. The last date of submission of the application was 25.02.2025 by email and 03.03.2025 in hard copy for the purpose of counselling.

5. The petitioner filled up a prescribed proforma for regular ‘in service’ Medical Officers of GNCTD who had qualified NEET PG 2024 for reserved



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DNB seats in hospital/institutions under the GNCTD. The petitioner submitted his application along with the prescribed proforma including his caste certificate on 25.02.2025 by email and on 03.03.2025 in hard copy.

6. The respondent no.1 *vide* letter dated 08.03.2025 postponed the counselling to 24.03.2025. On 24.03.2025 when the counselling was held at Maulana Azad Medical College, New Delhi in physical mode, the DNB Surgery seat at Dr. Baba Saheb Amedkar Hospital under OBC category was offered to the petitioner and he expressed his desired to opt for the same, however, the Counselling Committee rejected his candidature on the ground that the petitioner failed to show his recent OBC-NCL certificate.

7. It is further the case of the petitioner that he subsequently applied for the latest OBC-NCL on 27.03.2025 and the same was issued by the Competent Authority on 28.03.2025. Accordingly, petitioner furnished the said caste certificate on the same date to the respondent no.1. However, the said certificate was not considered.

8. In this backdrop, the petitioner was constrained to file the present writ petition with a prayer as noted in opening paragraph of the judgment.

9. Since the petitioner was appearing in person during initial hearing, therefore, this Court had appointed Mr. M.A. Niyazi, learned Counsel as *Amicus Curiae* to represent the petitioner, as well as, to assist the Court.

10. Mr. Niyazi submits that the furnishing of recent OBC-NCL certificate was not part of the eligibility criteria. He submits that insofar as petitioner's caste certificate is concerned, there is no dispute with regard to the same. He further submits that the petitioner was fulfilling the relevant eligibility criteria on the last date fixed for making the application.

11. He relies on the OM dated 08.10.2015 and 14.03.2016 to contend that



since the petitioner is 'in service' candidate, he could have been appointed provisionally in the event of his inability to produce valid certificate on the last date of admission and an opportunity ought to have been granted to him to furnish the valid certificate at a later point of time. The relevant excerpt of OM dated 08.10.2015 issued by DoPT reads as under:

*"No.36011/1/2012-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment Reservation-I Section*

*North Block, New Delhi-110001
Dated the 8th October, 2015*

OFFICE MEMORANDUM

Subject : Reiteration of the instructions on verification of claims of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for purpose of appointment to posts/services.

The undersigned is directed to say that as per extant instructions where a candidate belonging to a Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time. Instructions have been issued vide DoPT's letter No.36022/1/2007-Estt(Res.) dated 20.03.2007 to the Chief Secretaries of all States/UTs for streamlining the system of verification of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. Timely and effective verification of caste status is necessary so that the benefit of reservation and other scheme of concessions etc. go only to the rightful claimants."



12. OM dated 14.03.2016 also reiterates the same position, the relevant excerpts of which reads thus:

“No. 36011/1/2012-Estt.(Res.)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

Establishment Reservation-I Section

North Block, New Delhi-110001

Dated March 14, 2016

To,

The Chief Secretaries of all States/UTs

Subject : Reiteration of the instructions on streamlining the procedure for verification of claims of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for purpose of appointment to posts/services — regarding

Madam/Sir,

I am directed to refer to this Department's letter no. 36022/1/2007—Estt. (Res.) dated 20.03.2007 addressed to Chief Secretaries of all States/UTs (copy enclosed) regarding streamlining of the process for verification of claims of candidates belonging to Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). It was also requested to issue instructions to District Magistrates/District Collectors/ Deputy Commissioners to ensure at their own level the veracity of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates.

2. Owing to difficulties faced by candidates belonging to these reserved communities in various states in securing employment due to delays in obtaining caste certificates, this Department, vide an Office Memorandum of even number dated 08.10.2015, has reiterated the instructions on providing provisional appointment to such reserved category candidates who are unable to obtain an appropriate caste certificate in time. It has been reiterated therein



that where a candidate belonging to a Scheduled Caste, Scheduled Tribe or Other Backward Class is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim, subject to his/her furnishing the prescribed certificate within a reasonable time. If there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned. A copy of the OM is enclosed for reference and perusal.”

13. He submits that the valid certificate was applied and became available to the petitioner within 03 days from the date of counselling, and before the next date of counselling, therefore, petitioner ought to have been given admission on the basis of *prima facie* proof of documents of eligibility, which the petitioner had furnished in the form of an OBC-NCL certificate of 2013.

14. He places reliance on the decision of the Hon'ble Division Bench of this Court in ***All India Institute of Medical Sciences vs. Ravi Kumar, (2024) SCC OnLine Del 2147***, to contend that delayed submission of valid caste certificate has to be accepted so as to achieve the constitutional objective of giving equal opportunity to all sections of society, more particularly, when the petitioner was having the OBC-NCL category status throughout his service.

15. Alternatively, he submits that in the event any OBC vacancy becomes available due to non-joining of any candidate or cancellation of any allotment on the ground of non-fulfilling of 05 years criteria by any candidate, such vacancy may be made available to the petitioner.

16. Mr. Ishan Sanghi, learned counsel for the petitioner has reiterated the submissions made by Mr. Niyazi.



17. Mr. V. Balaji, learned counsel appearing on behalf of the respondent/GNCTD submits that the validity of a certificate is to be seen with reference to the last date of submission of application. He submits that petitioner was not having the valid caste certificate on the last date of application i.e. 25.02.2025 (for e-mail) and 03.03.2025 (for hard copy).

18. He submits that the OBC-NCL caste certificate which was submitted by the petitioner along with his application is dated 10.09.2013, and the same certificate was furnished on the date of counselling held on 24.03.2025. He submits that the said certificate was an old certificate, therefore, the same cannot be treated as a valid certificate inasmuch as the validity of OBC-NCL is for a period of one year.

19. He submits that latest OBC-NCL certificate was not available with the petitioner even on the date of counselling which took place on 24.03.2025. As a matter of fact, the latest caste certificate was applied by the petitioner only on 27.03.2025 which came to be issued by the competent authority on 28.03.2025. He, therefore, contends that candidature of the petitioner was rightly rejected.

20. In support of his submissions, Mr. Balaji has placed reliance on the decision of the Hon'ble Supreme Court in ***Sakshi Arha v. Rajasthan High Court and Others, 2025 SCC OnLine SC 757.***

21. Having heard the learned *Amicus Curiae* and learned counsel appearing on behalf of the parties, following two questions arise for consideration:

- i. What was the cut-off date for the petitioner to furnish a valid OBC-NCL certificate?
- ii. Whether OBC-NCL certificate dated 10.09.2013 furnished by



the petitioner with his application, as well as, on the date of his counselling is a valid certificate?

22. The issue is no more *res integra*. A three Judges Bench of the Hon'ble Supreme Court in its authoritative pronouncement in ***Sakshi Arha*** (supra) has laid down that the certificate belonging to the reserved category should be valid as on the date when the application is made or at least on the last date of submission of application prescribed by the concerned advertisement.

23. In ***Sakshi Arha*** (supra) the Rajasthan High Court vide advertisement dated 22.07.2021 had invited applications for appointment to the post of Civil Judge cadre. The advertisement was admittedly silent on the aspect of the last date of submission of concerned certificates for each reserved category. The last date for receipt of application was 31.08.2021. A notice dated 04.08.2022 was subsequently issued which mentioned that the concerned category certificate ought not to have been issued beyond 31.08.2021.

23.1 As none of the appellants therein had their certificates issued as per the date specified in the subsequent notice, their names were not included in the list of candidates called for interview. In this backdrop, the appellants, who had cleared the preliminary and main examinations, contended that as no deadline for submitting OBC-NCL certificate was specified in the advertisement, late imposition of this condition is arbitrary and unjust.

23.2 Rejecting the contention of appellants therein, the Hon'ble Supreme Court held that in the absence of any cut-off date as outlined in the applicable Rules or in the advertisement, the eligibility is to be adjudged with reference to the last date of submission of applications before the



concerned authority or institute. It was thus, enunciated that valid certificate belonging to the concerned reserved category should have been issued prior, or up to, 31.08.2021 i.e. the last date of receipt of applications in terms of the advertisement.

23.3 The Hon'ble Apex Court also rejected the plea of the appellants therein to grant relaxation, on the ground that no relaxation can be granted nor it can be claimed as a matter of right in the absence of any discretionary clause in the concerned advertisement/rules/instructions.

23.4 The relevant extracts from the decision in ***Sakshi Arha*** (supra) reads thus:

“2.1. The Rajasthan High Court - Respondent No. 1 published an Advertisement dated 22.07.2021 (hereinafter referred to as “Advertisement”) inviting applications for appointment to the post of Civil Judge Cadre being the “Civil Judge Examination 2021” as per the Rajasthan Judicial Service Rules, 2010 (hereinafter referred to as “2010 Rules”), which was admittedly silent on the aspect of the last date of issuance of the concerned certificates for each reserved category. The last date for receipt of the applications was 31.08.2021. Preliminary Test was held on 28.11.2021 followed by the conduct of the Mains Examinations on 30.04.2022 to 01.05.2022. A Notice dated 04.08.2022 (hereinafter referred to as “Subsequent Notice”) was issued, which mentioned that the concerned reserved category certificates ought not to have been issued beyond 31.08.2021.

3. The Appellants in all the appeals belong to different reserved categories, i.e., Other Backward Classes (Non-Creamy Layer) (hereinafter referred to as “OBC-NCL”), Most Backward Classes (Non-Creamy Layer) (hereinafter referred to as “MBC-NCL”) or Economically Weaker Section (hereinafter referred to as “EWS”) categories. These candidates successfully cleared their preliminary examination, followed by mains examination, as per the requirements of marks in their



respective categories. However, as none of these candidates had their certificates issued as per the date specified in the Subsequent Notice, their names were not included in the list of the candidates called for interview.

4. This grievance compelled the Appellants to file a series of separate writ petitions before the High Court of Rajasthan, both at Jodhpur, and the Bench at Jaipur. The first and foremost writ was moved by Ms. Jyoti Beniwal, the Appellant in Civil Appeal No. 3909 of 2023 herein, before the Division Bench of High Court of Rajasthan as D.B. Civil Writ Petition No 11784 of 2022, challenging the condition imposed by the Rajasthan High Court in its Subsequent Notice, requiring candidates under the reserved category to submit a certificate issued within one year of the application deadline i.e. 31.08.2021 or a certificate issued between 31.08.2018 and 30.08.2020, along with an affidavit. The petitioner therein, having cleared the preliminary and mains examinations, contended that no deadline for submitting the OBC-NCL certificate was specified in the Advertisement, and therefore, the late imposition of this condition is arbitrary and unjust. Citing Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board¹, petitioner therein sought to be interviewed under the OBC-NCL category, referring to the lack of such a deadline in the Advertisement.

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9. The counsels on behalf of the Appellants have argued that the High Court of Rajasthan has erred in not considering that the conditions introduced by the Subsequent Notice arbitrarily limited the Appellants' chances in the selection process, despite they having a OBC-NCL/MBCNCL certificate since 2016, which was valid as per the Advertisement. This condition, therefore, violated fundamental rights of the Appellant (s). Moreover, there was no such requirement in the 2010 Rules as has been introduced by the Subsequent Notice.

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18. Tracing these footsteps, numerous decisions subsequently rendered by this Court crystalized this dynamic nature of status



of other backward classes as against that of SCs or STs. Moreover, this court in a subsequent decision in *Indra Sawhney v. Union of India* clarified that while our nation, Republic of India, remains a caste-based society, the Constitution mandates that caste alone cannot be the basis for discrimination. Accordingly, reservation is justified only when the concern of both, backwardness and underrepresentation in services is addressed sufficiently. **It further went on to observe that a caste may be identified as a backward class, but, the creamy layer ought to be excluded as the said set of strata is neither socially, nor economically backward. The inclusion of castes in the backward classes list requires relevant data and must avoid extraneous factors. Improper inclusion of forward castes or failure to exclude the creamy layer undermines the system, depriving the genuinely disadvantaged of benefits. The Bench therein, also dealt with the decision in *Ashoka Kumar Thakur v. State of Bihar*, in which, the Central Government had issued an Office Memorandum dated 08.09.1993 to provide for reservation to certain categories, and admittedly, they belonged to creamy layer.**

19. As the determination is clearly varied, it is important to partake the correct implementation of the laws of the land, and, as that attempt, **the NCL certificate was introduced in the year 1993 by the Central Government. As part of the said policy, the Tehsildar of the concerned State Government was empowered to issue the said certificate, subject to the relevant guidelines and procedure, as may have been laid down by the respective State Governments.**

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21. The Circular dated 09.09.2015 notified that a certificate for NCL category shall only be valid for a period of one year. Moreover, if it is a case that the concerned applicant has not transgressed out of the said category in the following year, an affidavit by him/her, as provided in the Appendix-D, would allow the initially issued certificate to be deemed as valid. However, the maximum period to allow for this practice to continue is three years.



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27. *On the subject of absence of last date to showcase their eligibility by a candidate apropos their equivalent claim, this Court clarified the correct position of law in its decision in Bhupinderpal Singh v. State of Punjab, where, while upholding the view taken by High Court of Punjab and Haryana, held that **the eligibility criteria for candidates aspiring public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged in lieu of the last date of submission of applications before the concerned authority or institute. This, thereby, ensures a clear temporal reference point for evaluating qualifications of a candidate as per the concerned advertisement.***

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32. *The well-read legal minds, as the Appellants before us, cannot certainly, escape from the clutches of the principle laid down through the Latin maxim of ignorantia juris non excusat, which translates in literal English to “ignorance of the law is no excuse”. **The Advertisement certainly required them to produce a valid certificate to their claim as per rules and instructions, and in the prescribed format.***

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34. *Moreover, the decisions of this Court have cleared the air of any doubt that the claim made by a candidate while filling his or her application as per the concerned advertisement are to hold good as on the date of his or her application or as per the last date of submission of applications prescribed by the concerned advertisement.*

35. *It is true that, the Advertisement, in itself, did not clearly mention the date with regard to issuance of category certificate, and that it came from the Subsequent Notice which ascertained a cut-off date for acceptable certificates.*



36. The Subsequent Notice, which was issued by the Rajasthan High Court on 04.08.2022, cannot be said to be arbitrary or without any basis. It specified that the certificate belonging to the concerned reserved category should have been issued prior or upto 31.08.2021 i.e. the last date of receipt of the application in pursuance to the Advertisement. This was because the Advertisement required a candidate to possess eligibility upto the cut-off date. As regards the specifications regarding a certificate issued between 31.08.2018 and 30.08.2020 along with the affidavit is concerned, this was based on the Government Circulars dated 09.09.2015 and 08.08.2019 (reproduced above) which clarified that the certificate issued will be valid for one year extendable by three years with affidavit. Thus, the Subsequent Notice issued was in consonance with law and as per the Advertisement, applicable Rules, instructions and circulars issued by the competent authority. The plea of the appellants is unsustainable and deserves to be rejected. No relaxation can be granted in the given facts and circumstances of the case nor can it be claimed as a matter of right in the absence of any such discretionary clause in the Advertisement/Rules/Instructions.

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38. Significant reliance is placed by the Appellants on the 2-Judge Bench decision of this Court in Ram Kumar Gijroya (supra). A perusal of the decision rendered by the High Court of Delhi on the factual matrix therein is evidently distinct. The same, thus, cannot come to the rescue of the Appellants. In the instant case, it is not a contention of Appellants that they are missing a valid proof of attainment of their particular qualification or right. No candidate before us has a claim that they, to begin with, already availed and established their eligibility, or had applied for a NCL category certificate and issuance of the same is delayed at the behest of the competent authority. The ratio, therefore, in the relied judgment would not apply.

39. Ergo, the correct position of law is not in favour of the Appellants before us, and, relying on the precedents and the



provisions of law governing the circumstances before us, the appeals ought to be declared devoid of merit.

(emphasis supplied)

24. In Para 27 of the aforesaid decision, the Hon'ble Supreme Court in no uncertain terms has laid down that in case the concerned Rules as well as advertisement is silent on the aspect of cut-off date, the eligibility is to adjudged as on last date of submission of applications. Therefore, the petitioner in the present case must have possessed and submitted his valid OBC-NCL certificate on the last date mentioned in the notification dated 14.02.2025 inviting applications, i.e. 25.02.2025.

25. Coming to the next question, whether the petitioner had a valid OBC-NCL certificate on the last date of submission of applications, this Court can take judicial notice of the OM dated 31.03.2016 issued by the DoPT wherein validity period of OBC Certificate in respect of 'creamy layer' status of candidates is provided in the following terms:

*"F. No. 36036/2/2013- Estt.(Res-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment Reservation — I Section*

*North Block, New Delhi
Dated 31st March 2016*

OFFICE MEMORANDUM

***Subject: Validity period of OBC Certificate in respect of
'creamy layer' status of the candidates***

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(a) Every candidate seeking reservation in central government



posts and services as OBC candidate is required to submit a certificate confirming his/her status as OBC and also produce Non-creamy layer status issued by an authority mentioned in DOPT Office Memorandum No.36012/22/93-Est(SCT) dated 15.11.1993.

(b) The Non-creamy Layer Certificate would be applicable to OBC candidates who are covered under Income/Wealth Test criterion. The income limit is decided on the basis of income earned during three previous financial years preceding the year of appointment. To illustrate, the validity of non-creamy layer certificate issued during any month of the financial year 2016-17 covering 3 preceding financial years viz. 2013-14, 2014-15 and 2015-16 be accepted by the concerned authorities for any appointments or recruitments which would be valid during the period April 2016 to March 2017. The appointing authorities would accept production of self-attested photo copy of the Non-creamy layer certificate, subject to verification of the original Non-creamy layer certificate, as is the practice being followed for verification of other original documents.”

26. Para (b) of OM dated 31.03.2016 provides that Non-Creamy Layer Certificate would be applicable to OBC candidates who are covered under Income/Wealth Test criterion, and the income limit is decided on the basis of income earned during three financial years preceding the year of appointment. It also clarifies by way of an illustration that the Non-creamy Layer Certificate is valid for one financial year, during which it is issued.

27. Reverting to the facts of the present case, it is important to note that respondent no.1 had invited applications vide notification dated 14.02.2025 for admission to various DNB Courses in the hospitals under GNCTD. The last date for submission of applications in soft copy was 25.02.2025 by 5 PM, the hard copy of which could be submitted by 5 PM on 03.03.2025. The notification dated 14.02.2025 reads as under:

“Applications on plain paper in the prescribed format are



invited from 21.02.25 to 25.02.25 to be submitted in the Office of the Dean, MAMC, from all eligible candidates who have qualified NEET PG 2024/PDCET 2024 and are in service of Government of NCT of Delhi, for admission to various DNB course in the Hospitals under GNCT of Delhi both in Soft copy (email Id: deputysecretarymed.edu@gmail.com) by 5 pm on 25.02.2025 & hard Copy by 5 pm on 03.03.2025. For admission process, refer to the detailed notification dated - /02/2025 available at the website <https://health.delhi.gov.in/>.”

(emphasis supplied)

28. Admittedly, the OBC-NCL certificate which was furnished by the petitioner along with his application, and was subsequently produced at the time of his counselling on 24.03.2025, bears the date 10.09.2013. As per OM dated 31.03.2016, the same was valid during the financial year 2013-14, since the validity of OBC-NCL certificate is based on an income earned during three previous financial years preceding the year of appointment/admission. Meaning thereby, the said certificate was valid only till 31.03.2014. In the present case, the admission year is 2025, therefore, the OBC-NCL certificate dated 10.09.2013 was not valid on the cut-off date i.e. 25.02.2025.

29. The OBC-NCL certificate which was subsequently obtained by the petitioner, was applied on 27.03.2025 and the same came to be issued on 28.03.2025. Clearly, petitioner was not having the said certificate as on cut-off date i.e. the last date for making an application, which as noted above was 25.02.2025. Ergo, petitioner cannot take advantage of the said certificate.

30. The reliance placed by Mr.Niyazi on the decision in **Ravi Kumar** (supra) is misconceived. In the said case, the prospectus issued by



AIIMS/Appellant therein inviting applications towards INI-CET Exams provided that an application seeking reservation benefit available for OBC category must possess the OBC-NCL certificate issued between 06.11.2022 and 05.11.2023, both dates inclusive. The Hon'ble Division Bench had observed that the learned Single Judge had rightly pointed out that said period provided in the prospectus has no correlation to a financial year whereas for the purpose of satisfying the criteria of NCL, the certificate is issued by competent authority on the basis of financial status of preceding three financial years. It was further observed that the learned Single Judge was right in concluding that if the Appellant intends to prescribe a period for the issuance of OBC-NCL certificate, the same should co-relate to a specific financial year for it to be meaningful. Clearly, observation made in **Ravi Kumar** (supra) is in consonance with OM dated 31.03.2016, and it does not advance the case of the petitioner.

31. Likewise, the OMs dated 08.10.2015 and 14.03.2016 relied upon by Mr. Niyazi only provides that where a candidate belonging to a Scheduled Caste, Scheduled Tribe or Other Backward Class is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim, subject to his/her furnishing the prescribed certificate within a reasonable time. However, the said OMs do not specifically deal with the OBC-NCL certificate and validity thereof. Therefore, the petitioner cannot take any advantage of said OMs.

32. The upshot of above discussion is that the petition is devoid of merit, and is accordingly dismissed.

33. Before parting with the judgment, the Court considers it apposite to



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place on record appreciation of valuable assistance rendered by Mr. M.A. Niyazi as *Amicus Curiae*.

VIKAS MAHAJAN, J

MAY 28, 2025/dss/jg

Signature Not Verified

Digitally Signed
By: DEEPAK SINGH
Signing Date: 06.06.2025
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