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

+ **W.P.(C) 7177/2023 & CM APPL Nos. 27958/2023, 30407/2023**

KUNAL

.....Petitioner

Through: Mr. Vijay Ahlawat, Mr. Pawan Kumar, Ms. Suman Saharan and Ms. Meghna Mehta, Advocates.

versus

GOV OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with Ms. Aliza Alam, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.10.2025

1. The petitioner has approached this Court under Article 226 of the Constitution, against a communication of the respondents dated 06.12.2022, by which his candidature for the post of Peon/Orderly/Dak-Peon in the establishment of the Principal District & Sessions Judge (HQ), Delhi, has been cancelled.

2. The petitioner applied for the said post pursuant to a vacancy notice dated 06.02.2021. His application was in the Other Backward Class-Non-Creamy Layer ["OBC-NCL"] category, for which 75 posts were reserved. As far as OBC-NCL certificates are concerned, the advertisement required as follows:

*“** Only OBC (Delhi) candidates who are in possession of OBC Certificate issued by Government of NCT of Delhi and having Non-*



Creamy Layer (NCL) Certificate valid for the financial year 2020-21, i.e. the NCL Certificate must have been issued on or after 01.04.2020, will be given the benefit of reservation/age relaxation applicable to OBC Category (For more information please refer Common Instructions).”

3. The petitioner participated in the written test, and the respondent issued an offer of appointment dated 24.03.2022, in his favour. However, he was required to produce documents, including a certificate demonstrating his entitlement to the reserved category.

4. At the time of document verification, the petitioner produced an OBC-NCL certificate dated 08.10.2021. He thereafter submitted a representation dated 19.09.2022, in which he also placed on record an earlier OBC certificate issued by the Deputy Commissioner, North-West District, Delhi, on 30.10.2012. The certificate records that he belongs to the OBC category, and does not belong to the Creamy Layer as on that date. The concerned Committee in its meeting held on 15.10.2022 referred to the representation, but came to the conclusion that the candidate did not possess the caste certificate on the last date of submission of applications.

5. Pursuant to an order of this Court dated 16.09.2025, the respondents have filed an additional affidavit dated 04.10.2025, in which it is stated that no candidates were considered by the Committee, who did not possess the requisite caste certificate, which was a condition precedent for submitting an application.

6. The documents filed alongwith the additional affidavit, and the record produced by the respondents, clearly demonstrate that as far as the NCL certificate is concerned, having regard to the fact that in the year 2020-21, candidates were unable to obtain the requisite certificates due to



the COVID-19 pandemic, the respondents accepted NCL certificates of the year 2021-22, alongwith the affidavits attested by the Executive Magistrate clarifying the candidates NCL status for the year 2020-21.

7. During the pendency of the present petition, the petitioner has also placed on record an NCL certificate for the year 2020-21, however the NCL certificate was issued by the Executive Magistrate only on 18.02.2025. This was pursuant to a Circular of the Government of National Capital Territory of Delhi dated 10.03.2023, which pertains to issuance of NCL certificates for the financial years which were impacted by the COVID-19 pandemic.

8. Having regard to the peculiar facts of this case, particularly that the petitioner did produce an OBC certificate issued prior to the application, and an NCL certificate of 2021-22, Ms. Aliza Alam, learned counsel for the respondents, submits that the respondents will reconsider the case in the light of the decisions taken in other similar cases. It may be noted that in the affidavit dated 04.10.2025, the respondents have stated that one post has been kept vacant in view of the present litigation.

9. The petitioner is directed to submit a comprehensive representation, enclosing *inter alia*:

- A. His OBC certificate prior to the last date of submission of applications;
- B. NCL certificate for the year 2021-22.
- C. NCL certificate dated 18.02.2025 certifying the NCL status for the year 2020-21.

10. The respondents are directed to take a fresh decision in the matter within a period of four weeks from today, and inform the petitioner



accordingly.

11. The writ petition, alongwith the pending applications, is disposed of with these directions.

12. The rights and contentions of the parties are reserved.

PRATEEK JALAN, J

OCTOBER 9, 2025

'Bhupi'/AD/