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

Date of decision: 22th AUGUST, 2025

IN THE MATTER OF:

+ **LPA 537/2025, CM APPL. 52020/2025**

MOHAN LAL BESARWADIYA & ORS.Appellants

Through: Mr. Amit Bardhan Mohanty, Adv.

versus

RESERVE BANK OF INDIA THROUGH ITS GENERAL

MANAGER & ORS.Respondents

Through: Mr. Ravi Kant Srivastava, Senior
Panel Counsel with Mr. Robert
Laishram, Advocate for R-3/UOI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. The present appeal has been filed against the Judgment & Order dated 29.07.2025 passed by the Learned Single Judge in W.P. (C) 11097/2025, whereby the Writ Petition filed by the Appellants herein was dismissed.

2. Shorn of unnecessary details, facts leading to the filing of the present Appeal are as follows:-

- i. The Appellants are working at their respective posts in Central Armed Police Force (CAPF). The Appellant No.1 is working as a Deputy Commandant in the Border Security Force (BSF) and is



posted at Meghalaya, the Appellant No.2 is serving as Assistant Commandant in Central Reserve Police Force (CRPF) and is posted at Guwahati, Assam, Appellant No.3 is working as a Deputy Commandant/General Duty in the Indo-Tibetan Border Police (ITBP) and is posted in Arunachal Pradesh and lastly, the Appellant No.4 is serving as Assistant Commandant in CRPF and is posted at 247 (VS) Battalion, CRPF, Bengaluru, Karnataka.

ii. The Appellants herein have rendered service of more than ten years in their respective posts.

iii. The Reserve Bank of India (RBI), the Respondent No.1 in the present Appeal issued an Advertisement bearing No. BRISB/DA/02/2025-26 in July, 2025 inviting applications *inter alia* for the post of Assistant Manager (Protocol and Security), wherein the eligibility conditions for being recruited for the said post was limited to candidates who were ex-servicemen in the regular Army/Navy/Air Force holding a valid ex-serviceman identity card. The eligibility criteria to the said post is being extracted below:-

5. Assistant Manager (Protocol & Security) in Grade 'A'	Age (as on July 01, 2025): A candidate must have attained the age of 25 years and must not have attained the age of 40 years as on July 01, 2025. Candidates must have been born not earlier than July 02, 1985 and not later than July 01, 2000. There is no age relaxation for any category. Job Requirements: The officer will be responsible for the general roles and responsibilities, including (but not limited to) the following: (i) Internal Security/ CCTV Surveillance: Oversee physical security, manage security personnel, maintain security equipment including CCTV systems across Bank's premises. (ii) Protocol Activities: Provide protocol services for Top Management and visiting dignitaries, liaising with State government and other authorities. (iii) Maintenance Activities: Supervise and manage maintenance work of Bank's premises, ensuring efficient use of maintenance staff.
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	(iv) Fire Prevention & Disaster Management: Implement and maintain fire safety measures, conduct drills, and train Safety Squad members. (v) Administration: Administer security personnel (including outsourced personnel), manage budgets, and ensure compliance with regulatory requirements. (vi) Any other work related to security / maintenance / upkeep of Bank's office / residential premises, as considered necessary. Experience (as on July 01, 2025): The candidate should be an Officer with a minimum of ten years (five years in case of PwBD candidates) of Commissioned Service in the regular Army/Navy/Air Force holding a valid Ex-Serviceman Identity Card. Note Short Service Commissioned Officers should have rendered at least ten years continuous Military Service and have been released on completion of assignment (including those whose assignment is due to be completed within one year from the cut-off date specified, i.e., on or before July 01, 2025) otherwise than by way of dismissal or discharge on account of misconduct or inefficiency or on account of physical disability or have been released on account of physical disability attributable to Military Service or on invalidment. However, PwBD candidates under the following categories of disabilities are eligible to apply for the post (a) OL, CP, LC, Dw, AAV, SD/ SI (b) SLD (c) MD involving (a) and (b) above CATEGORY ABBREVIATIONS USED: OL=One Leg, CP=Cerebral Palsy, LC=Leprosy Cured, Dw=Dwarfism, AAV=Acid Attack Victims, SD / SI = Spinal Deformity and Spinal Injury with / without any associated neurological / limb dysfunction, SLD= Specific Learning Disability, MD=Multiple Disabilities Short Service Commissioned Officers who have completed their initial period of assignment of ten years of Military Service but whose assignment has been extended beyond ten years and in whose case the Ministry of Defence issues certificates that they would be released on selection within three months from the date of receipt of offer of appointment, may submit a copy of this certificate along with the printed copy of online application for the post (if shortlisted for the interview). For syllabus, please refer to Appendix-II.
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- iv. Perusal of the above extract of the advertisement shows that the ex-servicemen of the para-military forces had been completely excluded from the zone of consideration.
- v. Aggrieved by the exclusion of the CAPF personnel from consideration for the above advertised post, the Appellants approached this Court by way of the Writ Petition bearing No. W.P.(C) 11097/2025, from which the present Appeal arises.
- vi. The Appellants case before the Learned Single Judge was that



in several prior recruitments for the same post between the years 2013 and 2020, candidates who had served in the CAPF were also permitted to participate in the recruitment process, and the change in position in the year 2021 excluding the CAPF personnel is not based upon any *intelligible differentia*, neither does it bear any nexus with the objective of the recruitment.

- vii. The Appellants had also submitted before the Learned Single Judge that by way of an Office Memorandum (OM) dated 23.11.2012, the Ministry of Home Affairs had designated retired personnel of various forces as “ex-CAPF personnel” and provided for State/Union Territory Governments to extend benefits to them in the same manner as granted to ex-servicemen of defence forces.
- viii. The Appellants had also contended that the reservation for ex-servicemen in the said post was intended to be horizontal reservation and the eligibility criteria adopted by the Respondent No.1/RBI has the effect of reserving all post of Assistant Manager (Protocol and Security) for ex-servicemen.
- ix. While placing reliance on another Judgment of this Court in W.P. (C) 10662/2025 titled as ‘Vikash Kumar v. Reserve Bank of India through its General Manager & Anr.’, decided on 28.07.2025, the Learned Single Judge dismissed the Writ Petition of the Appellants. The Learned Single Judge observed that it was the Respondent No.1/RBI who is the best judge of the suitability of the candidates required for the said post of Assistant Manager (Protocol and Security) and since no clear violation of rights or unreasonableness was made out in the impugned advertisement,



interference by this Court exercising its writ jurisdiction was not called for.

3. It is this Judgment passed by the Learned Single Judge which is under challenge in the present Appeal.

4. It is submitted by the learned Counsel for the Appellants that the exclusion of CAPF officers from being eligible for the post of Assistant Manager (Protocol and Security) is arbitrary and amounts to discrimination as there is no *intelligible differentia* or rational nexus with the object of such classification.

5. It is further submitted by the learned Counsel for the Appellants that since the Respondent No.1 RBI had previously considered CAPF personnel as eligible from the years 2013 to 2020, the reversal of such policies without any rational basis is violative of Article 14 of the Constitution of India.

6. Learned Counsel for the Appellants has also drawn the attention of this Court to a document titled “Direct recruitment for post in Non-CSG streams – clarification on experience eligibility criteria – AM Protocol and Security” issued by the Human Resource Management Department of the Respondent No.1/RBI. In particular, the learned Counsel for the Appellants submits that the said document depicts that there was some deliberation by the Respondent No.1/RBI to include consideration of CAPF personnel in their recruitment process for the post of Assistant Manager (Protocol and Security).

7. In support of his arguments the learned Counsel for the Appellants has placed reliance on an Order dated 09.09.2021 passed by the Hon’ble High Court of Rajasthan in W.P. No. SB Civil Writ Petition 12212 of 2021 titled as ‘Ajay Choudhary v. Reserve Bank of India & Anr’.



8. *Per contra*, learned Counsel for the Respondent No.1/RBI who appears on advance notice has, at the very outset, brought to the attention of this Court that not only are all the Appellants currently serving in their respective posts in CAPF and are not ex-servicemen, but the Appellant No.1 and Appellant No.3 are over-aged, as the eligibility criteria calls for candidates who must not have attained the age of 40 years as on 01.07.2025 and the Appellant Nos.1 & 3 have both attained 41 years of age.

9. During the course of hearing before this Court, a specific question was put to the learned Counsel Respondent No.1/RBI as to the underlying reasons, if any, for the exclusion of ex-CAPF personnel from the eligibility criteria of the candidates to be considered for the post of Assistant Manager (Protocol and Security).

10. In response, the learned Counsel for the Respondent No.1/RBI has drawn attention of this Court to a document titled “Direct recruitment for post in Non-CSG streams – clarification on experience eligibility criteria – AM Protocol and Security” issued by the Human Resource Management Department of the Respondent No.1/RBI. Relying on the said document the learned Counsel for the Respondent No.1/RBI has submitted that it was a conscious decision of the Respondent No.1/RBI that in the absence of unambiguous instructions from the Government of India, the experience criteria for the concerned post should be limited to an officer with a minimum of 5 years of commissioned service in the Army/Navy/Air Force.

11. Notably, the learned Counsel for the Respondent No.1/RBI has also drawn attention of this Court to the rationale behind the aforesaid decision, being that inclusion of candidates belonging to para-military forces was only a one time measure to make up for the backlog in vacancies. Relevant



extract which was highlighted by the learned Counsel for the Respondent No.1/RBI is being reproduced below:-

“Resubmitted pl.

Placed below is a mail dated December 16, 2021 received in response to our mails dated October 28, 2021 and November 18, 2021 on the inclusion of forces in Para-military forces, to revisit the experience eligibility criteria for the post of Assistant Manager Protocol & Security.

2. CSC has opined as follows:

(i) There is no single government agency which provides any comprehensive list of para military forces, implying that it is not very clearly mentioned/known that which all forces form part of para military forces and therefore it may not possible to provide a legally sound list as to which all forces form part of para military in the absence of unambiguous instructions from Government of India.

(ii) The inclusion of para-military as those eligible for recruitment as Security Officer was a one time measure as part of a special drive to make up the deficiency in vacancies towards the reserved category, which later became a regular practice. In view of the ambiguity in the correct definition of which all forces form part of para military, including para military forces for regular recruitment can potentially have ramifications in the form of legal issues as there a large number of such entities and missing out one amongst many may lead to litigation.

(iii) In view of above, CSC has recommended that we may restrict recruitment of Security Officers



only to commissioned officers of the Armed Forces.

Our Comments

3. HRMD. CO vide letter CO.HRMD SRRS No. S4673/05.01.008/2021-22 dated November 11, 2021 has written to DoPT seeking advice on the definition of "Para-military Forces. However. DoPT is yet to respond to our letter.

4. In the absence of unambiguous instructions from Gol, we may keep the experience criteria for the post of Security Officer as "The candidate should be an Officer with a minimum of five years of Commissioned Service in the Army/Navy/Air Force. For approval please. "

12. Heard the learned Counsel for the parties and perused the material on record.

13. It is trite law that the essential qualifications for appointment to a post are for the employer to decide and it is for 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 assigned. This observation flows from the Judgment of the Apex Court in Maharashtra Public Service Commission v. Sandeep Shriram Warade & Ors., (2019) 6 SCC 362. The Apex Court in the said Judgment has observed as follows:-

“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 re-writing 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.”

(emphasis supplied)

14. Further, the Apex Court in State of Uttarakhand v. Sudhir Budakoti & Ors., (2022)13 SCC 256 has observed that when there is a reasonable basis for a classification adopted by an employer, the Court is not expected to insist on absolute equality by taking a rigid a pedantic view as against a pragmatic one. The relevant extract from the Judgment is reproduced below:-

“14. A mere differential treatment on its own cannot be termed as an “anathema to Article 14 of the Constitution”. When there is a reasonable basis for a classification adopted by taking note of the exigencies and diverse situations, the Court is not expected to insist on absolute equality by taking a rigid and pedantic view as against a pragmatic one.

15. Such a discrimination would not be termed as arbitrary as the object of the classification itself is meant for providing benefits to an identified group of persons who form a class of their own. When the



differentiation is clearly distinguishable with adequate demarcation duly identified, the object of Article 14 gets satisfied. Social, revenue and economic considerations are certainly permissible parameters in classifying a particular group. Thus, a valid classification is nothing but a valid discrimination. That being the position, there can never be an injury to the concept of equality enshrined under the Constitution, not being an inflexible doctrine.

16. *A larger latitude in dealing with a challenge to the classification is mandated on the part of the Court when introduced either by the Legislature or the Executive as the case may be. There is no way, courts could act like appellate authorities especially when a classification is introduced by way of a policy decision clearly identifying the group of beneficiaries by analysing the relevant materials.*

17. *The question as to whether a classification is reasonable or not is to be answered on the touchstone of a reasonable, common man's approach, keeping in mind the avowed object behind it. If the right to equality is to be termed as a genus, a right to non-discrimination becomes a specie. When two identified groups are not equal, certainly they cannot be treated as a homogeneous group. A reasonable classification thus certainly would not injure the equality enshrined under Article 14 when there exists an intelligible differentia between two groups having a rational relation to the object. Therefore, an interference would only be called for on the Court being convinced that the classification causes inequality among similarly placed persons. The role of the court being restrictive, generally, the task is best left to the authorities concerned. When a classification is made on the recommendation made by a body of experts constituted for the purpose, Courts will have to be more wary of entering into the said arena as its interference would*



amount to substituting its views, a process which is best avoided.

18. As long as the classification does not smack of inherent arbitrariness and conforms to justice and fair play, there may not be any reason to interfere with it. It is the wisdom of the other Wings which is required to be respected except when a classification is bordering on arbitrariness, artificial difference and itself being discriminatory. A decision made sans the aforesaid situation cannot be tested with either a suspicious or a microscopic eye. Good faith and intention are to be presumed unless the contrary exists. One has to keep in mind that the role of the Court is on the illegality involved as against the governance.”

15. In light of the aforesaid principles laid down by the Apex Court, this Court is in agreement with the contentions put forth by the learned Counsel for the Respondent No.1/RBI.

16. Material on record indicates that the Respondent No.1/RBI had issued an advertisement inviting applications from eligible candidates for various posts, including the concerned post of Assistant Manager (Protocol and Security) in Grade-A for the Panel Year 2024. The experience requirements clearly indicate that the candidate should be an officer with a minimum of ten years of commissioned service in the regular Army/Navy/Air Force holding a valid ex-servicemen identity card. The eligibility criteria for the concerned post also granted a relaxation of five years in case of PwBD candidates. Certain other specifications were also laid down for short Service Commissioned Officers as well.

17. It is a matter of fact that candidates belonging to para-military forces such as BSF, CRPF and ITBP, which are the forces in which the Appellants herein are working, were indeed considered for recruitment to the concerned



post as is evident from the advertisement issued by the Respondent No.1/RBI for the Panel Year 2020, which has been placed on record before this Court. Relevant extract from the advertisement for the year 2020-2021 issued by the Respondent No.1/RBI is being reproduced below for reference:-

“5. ASSISTANT MANAGER (PROTOCOL & SECURITY)”

(A) Job Requirements: He/She will be responsible for

(i) Watch and Ward arrangements as to internal security for guarding treasure vaults, passages, entry and exit points, surveillance through CCTV, monitoring, recording etc., in the Bank's Office Buildings

(ii) Protocol duties

(iii) Maintenance/Security of Bank's properties, and

(iv) Control over the staff deployed for the purpose.

(B) Eligibility Criteria:

(I) Experience (as on February 01, 2021):

(i) The candidate should be an Officer with a minimum of five years of Commissioned Service in the Army/Navy/Air Force; OR

(ii) The candidate should be of the rank equivalent to Assistant Commandant with minimum five years' service as Assistant Commandant in Paramilitary Forces such as Border Security Force, Central Reserve Police Force, Assam Rifles, Indo-Tibetan Border Police, Central Industrial Security Force, Sashastra Seema Bal, Defence Security Corps, National Security Guard, Railway Protection Force, Rashtriya Rifles,



Special Protection Force, Commando Battalion for Resolute Action, Special Frontier Force and Home Guards. ”

18. This change in the eligibility conditions, however, is not arbitrary or unsupported by reasoning, contrary to the submission of the learned Counsel for the Appellants. This is evident from the document issued by the Human Resource Management Department of the Respondent No.1/RBI, which shows that the whole exercise to include or exclude candidates belonging to CAPF or para-military forces was due to the fact that there is no Government agency which provides a comprehensive list of para-military forces, which fact has led to an ambiguity as to the correct definition of which all forces form part of para-military forces. It was observed by the Respondent No.1/RBI that this ambiguity can lead to potential ramifications as the inclusion of para-military forces would lead to an inevitable yet unintentional exclusion of certain forces. As a result, it was a conscious decision of the Respondent No.1/RBI to limit the experience criteria for the concerned post to those candidates who are commissioned service officers in the regular Army/Navy/Air Force.

19. In the opinion of this Court, the aforesaid policy decision of the Respondent No.1/RBI, falls within the scope of reasonable classification, which is permissible under Article 14 of the Constitution of India, as no manifest unreasonableness or arbitrariness is made out therein. In line with the Judgment of the Apex Court in Maharashtra Public Service Commission (supra), this Court is of the view that it is the Respondent No.1/RBI only that is empowered to prescribe the essential, additional, desirable qualifications for the concerned post. In delineating between candidates



belonging to regular Army/Navy/Air Force and CAPF personnel, while there admittedly does exist a classification, the same is without any doubt reasonable and therefore, cannot be stated to be violative of Article 14 of the Constitution of India. The background in arriving at such a classification indicates that the inclusion of para-military forces in turn would have led to discrepancies due to the lack of clarity as to definition of the para-military forces.

20. Even otherwise, it is evident that the Appellant Nos. 1 & 3 are, in any event, outside the eligibility criteria as mentioned in the impugned advertisement and, therefore, do not have any valid challenge.

21. In light of the aforesaid discussion, this Court does not find any reason to interfere with the findings of the Learned Single Judge.

22. The Appeal, along with pending applications, is therefore dismissed.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 22, 2025

Prateek/AP