



2025:DHC:8690-DB



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

+ **LPA 582/2025 & CM APPL. 57801-02/2025**

HANAN SHAJAHAN CHITTOTHAYILAppellant

Through: Mr.Santosh Kumar, Sr. Adv. with
Mr.Nishant, Mr.Rohit Singh,
Mr.Rajiv Ranjan Mishra, Ms.Suruchi
Yadav and Mr.Sanjeev Baghel,
Advs.

versus

**UNION OF INDIA THROUGH PRINCIPAL SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE NIRMAL
BHAWAN NEAR UDYOG BHAWAN METRO STATION
MAULANA AZAD ROAD NEW DELHI 110011 & ORS.**

.....Respondents

Through: Ms.Seema Dolo, Adv. for R-2/NTA.

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Date of Decision: 25th September, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J : (ORAL)

1. The present Letters Patent Appeal has been filed challenging the order dated 03.09.2025 passed by this Court in W.P.(C) 12752/2025, titled "*Hanan Shajahan Chittothayil v. Union of India & Ors.*". By the said order, the learned Single Judge dismissed the writ petition holding that the appellant cannot be permitted to change her category from "*General*" to "*OBC-NCL*" in the portal of respondent no. 2/NTA, once she had failed to select the OBC-NCL category at the time of filling the application form and further failed to avail the correction window granted for the said



purpose. It was further observed that granting such relief to a single candidate would amount to creating an inequitable exception.

2. Mr. Santosh Kumar, learned senior counsel appearing for the appellant submits that as is apparent from the facts, the appellant committed a mistake which can be deemed to be a *bona fide* error while filling-up the online form for participating in the NEET (UG) Exam, 2025. In that instead of filling in “OBC-NCL” category, the appellant had erroneously entered “General Category” candidate. He states that the appellant had scored 143 marks with 49th percentile and as per the scheme of the examination, to qualify the preliminary examination, a General Category candidate has to score 50th percentile. He states that had the appellant entered the correct category i.e. OBC-NCL, the appellant would have been qualified to participate in the counseling. This, the appellant realised after the results were declared. He submits that the appellant immediately applied for and obtained OBC-NCL certificate on 23.07.2025. Learned senior counsel also submits that an e-mail dated 28.07.2025 was sent to the respondent seeking permission to rectify the mistake and to further convert her category from General to OBC-NCL.

3. Learned senior counsel contends that the aforesaid error is a *bona fide* mistake and can be permitted to be rectified even at this stage, keeping in mind that the appellant would otherwise, stand to lose one crucial academic year of her life. He also states that it is a trivial mistake which if permitted to be rectified would not prejudice anyone and in fact, would save one crucial year of the appellant’s academic pursuit. He states that such permissions by virtue of Court’s directions is not unknown and relies upon the judgment of a Coordinate Bench of this Court in the case of **Ms. Charu Kain vs. High Court of Delhi; WP(C) 9230/2022** decided on 03.06.2022. However, Mr. Kumar, learned senior counsel fairly states that



cut-off dates are sacrosanct but those apply rigorously only to service matters and not to the academic matters particularly relating to admission of candidates to pursue higher studies.

4. We have heard Mr. Santosh Kumar, learned senior counsel appearing for the appellant as also Ms. Seema Dolo, learned counsel for the respondent, perused the material on record and considered the judgment in ***Charu Kain (supra)***.

5. From the facts culled out, it is clear and admitted by the appellant that she filled in the online form as a General Category candidate. The public notice was issued by NTA regarding the schedule of examination on 07.02.2025. The last date for submission of the applications by the aspirants was 07.03.2025 and the window for correction of particulars was from 09.03.2025 to 11.03.2025. Admittedly, the appellant did not seek any rectification of category during the window period provided by NTA. It is also not disputed that it was only after that results were declared on 14.06.2025 that the appellants claims to have realised her “error”. It is also not disputed that the appellant had applied for the OBC-NCL certificate with the relevant authority for the first time after the declaration of results which was issued to her on 23.07.2025. It was only thereafter that the appellant sent an e-mail to NTA on 28.07.2025 seeking permission to rectify her mistake and for conversion of her category from General to OBC-NCL.

6. Though the learned senior counsel submitted that the error/mistake was not only *bona fide* but also of a trivial nature and therefore, a direction for acceptance of the OBC-NCL certificate with a simultaneous direction to convert appellant’s category from General to OBC-NCL can be passed, however, such submission is untenable in law. For the purposes of rectification of falling within the category of either General or OBC-NCL,



the aspirants had been provided a window period from 09.03.2025 to 11.03.2025. Admittedly, the appellant did not avail of this opportunity. In fact, the appellant did not take any action in this regard till the results were declared on 14.06.2025. Moreover, the certificate obtained by her was issued on 23.07.2025 which is much after the declaration of results and the delay in taking appropriate action within the appropriate time is fatal to her case.

7. The law in regard to submission of relevant documents particularly certificates relating to OBC-NCL category within the cut-off date, if so specified in the notification or before the last date of submission of applications is no more *res integra* in view of the judgment of the Hon'ble Supreme Court in ***Sakshi Arha vs. Rajasthan High Court & Ors.***; 2025 SCC OnLine SC 757. The Hon'ble Supreme Court in ***Sakshi Arha*** (*supra*) was considering a dispute of a similar nature arising out of the advertisement issued by the Rajasthan High Court for appointment to the post of Civil Judge cadre. The appellant before the Hon'ble Supreme Court, did not possess a valid OBC-NCL certificate as found by the Apex Court as per the proforma at the relevant time in accordance with the requirement stipulated therein. Distinguishing the judgment in ***Ram Kumar Gijroya vs. Delhi Subordinate Services Selection Board***; (2016) 4 SCC 754 and referring to the judgment in ***Bhupinder Pal Singh vs. State of Punjab***; (2000) 5 SCC 262, the Hon'ble Supreme Court held that the eligibility is to be adjudged on of the last date of submission of applications before the concerned authority or institute in case the notification does not prescribe the cut-off date for the submission of the relevant documents prescribed by the said notification.

8. In that view of the matter, a direction to the NTA to accept the OBC-



NCL certificate and to convert the category of appellant from General to OBC-NCL at this late stage would ipso facto be contrary to the ratio of the judgment of the Hon'ble Supreme Court both in *Bhupinderpal Singh* (*supra*) and *Sakshi Arha* (*supra*). The relevant paragraph of *Sakshi Arha* (*supra*) is extracted hereinbelow:-

“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 [(2000) 5 SCC 262], 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.

28. This derivation of the position of law was from the decision of this Court in Rekha Chaturvedi (Smt) v. University of Rajasthan [1993 Supp (3) SCC 168] wherein the Bench explicitly observed that the proposition of assessing a candidate's qualification with reference to the date of selection, as opposed to the last date of applications is untenable and must be unequivocally dismissed. The indeterminate nature of the date of selection renders it impracticable for applicants to ascertain whether they meet the prescribed qualifications, particularly if such qualifications are yet to be attained. The relevant paragraph is reproduced as follows:

“10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the



*qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the Selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in *A.P. Public Service Commission, Hyderabad v. B. Sarat Chandra* [(1990) 2 SCC 669 : 1990 SCC (L&S) 377 : (1990) 4 SLR 235 : (1990) 13 ATC 708] and *District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram v. M. Tripura Sundari Devi* [(1990) 3 SCC 655 : 1990 SCC (L&S) 520 : (1990) 4 SLR 237 : (1990) 14 ATC 766].”*

(emphasis supplied)

9. The reliance of learned senior counsel upon the judgment in the case of **Charu Kain** (*supra*) is completely misplaced which is not applicable to the facts of this case. In that case, the petitioner therein was a Reserved Category candidate (SC) and had erroneously submitted an application as a General Category candidate for the purposes of appearing in Delhi Judicial Service Preliminary Examination, 2022. Though the petitioner had secured 119.5 marks, she could only be eligible for appearing in the main examination, if the petitioner would be considered as a SC candidate. The cut-off marks for the SC candidate was ascertained at 115.5 marks. It was noted that there were 8 vacancies for the reserved category and about 81 candidates form part of the selected candidates. It was pointed out by the petitioner therein that she had appeared for the same examination on three



prior occasions in the year 2017, 2018 and 2019 as a SC candidate. The respondent therein submitted that if the petitioner had filled her form correctly under the SC category, she would have been placed in the order of merit after the candidate at no.58 and that no other candidate would be prejudiced. Upon the aforesaid facts, the Coordinate Bench of this Court found that in case the petition was allowed, no prejudice would be caused to anyone.

10. In the present case, if we were to allow the appeal, serious prejudice would be caused not only to the OBC-NCL category candidates who may have got selected all over the country but also would create a piquant situation inasmuch, as all such similarly placed candidates who may have applied under the General Category, would now submit an OBC-NCL certificate and seek parity on the same ground as the appellant. This is impermissible in law. The Co-ordinate Bench of this Court in ***Charu Kain (supra)*** having found that such decision would not prejudice anyone, delivered the judgment which, therefore, is distinguishable on facts. Moreover, the Court did not have the occasion to consider the judgement of Hon'ble Supreme Court in ***Sakshi Arha (supra)***. Thus, the ratio in ***Charu Kain (supra)*** is not applicable to the facts of the present case.

11. That apart, learned Single Judge in the impugned judgement has rightly relied upon the judgements of this Court in – (i) ***W.P.(C) 1189/2022 titled Sharanya Kaja vs. Directorate General of Health Services (DGHS) & Ors.***; decided on 04.02.2022 and (ii) – ***W.P.(C) 12565/2022 Shyam Sunder vs. The Union of India & Anr.***; decided on 31.08.2022 and extracted the same in paragraphs 24 and 25 of the impugned judgement.

12. In view of the above, we do not find any reason, much less cogent reason, to interfere with the detailed and reasoned impugned judgment



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passed by the learned Single Judge. Resultantly, the appeal being bereft of merit, is dismissed.

13. Pending applications, if any, stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 25, 2025/rl