



2025:0HC:10179-06



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17372/2025, CM APPL. 71717/2025, CM APPL. 71718/2025 & CM APPL. 71719/2025

SUB INSPECTOR O TUIPA MARAMPetitioner
Through: Mr. M.D. Jangra, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Ruchir Mishra, Mr. Mukesh Kumar Tiwari, Ms. Reba Jena Mishra, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)
17.11.2025

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C.HARI SHANKAR, J.

1. This writ petition challenges the Recruitment Rules¹ for the post of Assistant Commandant (GD)² in the Sashastra Seema Bal³ to the extent it stipulates five years' regular service as Sub-Inspector (GD) / Inspector (GD) for eligibility to participate in the Limited Departmental Competitive Examination⁴ for promotion as AC(GD).

2. Admittedly, the petitioner does not possess five years' regular service in the grade of Sub-Inspector (GD)/Inspector (GD) and is not,

¹ "RRs" hereinafter

² "AC(GD)" hereinafter

³ "SSB" hereinafter

⁴ "LDCE" hereinafter

Signature Not Verified

Signed By: PRAAGYA W.P.(C) 17372/2025
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Signing Date: 19.11.2025
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therefore, eligible for ascendency to the post of AC(GD) *vide* the LDCE for the year 2024.

3. We may note, here, that a common advertisement dated 13 February 2025 has been issued by the Director General, CRPF as the nodal agency conducting recruitments for appointment to the post of AC(GD) in the BSF⁵, CRPF⁶, ITBP⁷ and SSB through LDCE.

4. The column relating to the eligibility conditions, as contained in the said advertisement to the extent relevant, reads thus:

4. **Eligibility conditions:** The eligibility for AC(GD) through LDCE will be *as per the RRs of the respective Forces*. It will be the responsibility of respective CAPFs to scrutinize the application accordingly before forwarding it to Nodal Force i.e. CRPF.

d)	Service	The candidate should have completed regular service as on 1st January of particular vacancy year in the rank of Sub-Inspector / Inspector, including period of training, as prescribed in RRs of respective CAPFs. The cut off date for calculation of length of service of candidates for difference vacancy years will be as under: <table><tr><th>Sl. No.</th><th>Vacancy years</th><th>Cut off date</th></tr><tr><td>1</td><td>2024</td><td>01.01.2024</td></tr><tr><td>2</td><td>2025</td><td>01.01.2025</td></tr></table> Candidates should have clean record of service as per RRs/prescribed by concerned CAPFs.	Sl. No.	Vacancy years	Cut off date	1	2024	01.01.2024	2	2025	01.01.2025
Sl. No.	Vacancy years	Cut off date									
1	2024	01.01.2024									
2	2025	01.01.2025									

5. Mr. Mishra, learned CGSC appearing for the respondents, on instructions, accepts that the petitioner would be eligible to compete

⁵ Border Security Force

⁶ Central Reserve Police Force

⁷ Indo Tibetan Border Police



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for the vacancies of 2025 pursuant to the aforesaid advertisement.

6. The controversy is with respect to the petitioner's eligibility for being considered in the LDCE against the 2024 vacancies.

7. As Column 4 of the advertisement clearly states, the cut off date for assessing eligibility for the 2024 vacancies of the AC(GD) is 1 January 2024. The candidate is, therefore, required to be qualified as per the RRs for the SSB, on 1 January 2024.

8. Column 11 of the RRs for the post of AC(GD) in the SSB stipulates five years' regular service as Sub-Inspector (GD) /Inspector (GD) as qualifying service.

9. As the petitioner does not possess five years' regular service as Sub-Inspector / Inspector on 1 January 2024, he would not be eligible as per the advertisement to compete against the 2024 vacancies of AC(GD).

10. The petitioner has, therefore, challenged the prescription of five years in Column 11 of the RRs of the SSB to the extent they applied to the post of AC(GD).

11. We have heard Mr. Jangra, learned Counsel for the petitioner, at great length on this aspect.

12. Mr. Jangra has drawn our attention to the Standard Operating



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Procedure⁸, prescribed by the Ministry of Home Affairs for selection of AC(GD) in the BSF, CRPF, SSB and ITBP through LDCE, as circulated under Note dated 1 July 2014, particularly to Clause 1.1(a) thereof, which reads thus:

“1. **ELIGIBILITY CONDITIONS**

1.1 Both Sub-Inspectors and Inspector will be eligible to appear in LDCE for Assistant Commandant (GD) as per Recruitment Rules of respective Forces. Other eligibility conditions are given below:

(a) **Service.**

The candidates should have completed four years of regular service as on 1st January of vacancy year, in the rank of Sub-Inspector / Inspector including period of training and have clean record of service as prescribed by respective Forces.”

13. Mr. Jangra submits that, as the SOP prescribed four years of regular service as on the 1st day of January of the vacancy year, the stipulation in the RRs to the effect that five years of regular service was required by the candidate was illegal being in violation of the SOP.

14. There are two reasons why this argument cannot be accepted.

(i) RRs are promulgated under Article 309 of the Constitution of India. They take precedence over all other Rules and administrative instructions and can be challenged only if they are in violation of parliamentary legislation. An RR cannot, THEREFORE, be challenged on the ground that it is



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contrary to the SOP governing recruitment to that particular post.

(ii) Even otherwise, we do not find any such discrepancy between the stipulation contained in Column 11 of the RRs, in so far as it prescribes qualifications for LDCE to the post of AC (GD) and the stipulation in Para 1.1(a) of the SOP. Para 1.1(a) does not fix an upper limit of four years of service for appointment as AC(GD) by LDCE. All that it says is that the candidate should have completed four years of regular service as on 1 January of the vacancy year. If the RRs were to prescribe a lesser service than four years, it might have been possible to contend that it was contrary to the SOP. The RRs instead prescribes more than four years of service by requiring five years of regular service as on the 1st day of January of the vacancy year. This stipulation cannot, therefore, be said to be contrary to Clause 1.1(a).

15. That said, we reiterate that, even if the RRs were to be treated as contrary to Clause 1.1(a) of the SOP, that would not constitute a basis to strike down the RRs.

16. Mr. Jangra has also sought to point out that, in previous years, only four years' regular service in the grade was required and that, in many other forces such as ITBP, CRPF, etc., only four years' regular service in the grade of Sub-Inspector/Inspector for ascendency as AC/GD *vide* LDCE is required.



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17. There is no principle, cast in crystal, to the effect that the prescribed eligibility qualifications must be the same across Forces.

18. It is well settled that prescription of eligibility qualifications, for recruitment to any post, or grade, is an administrative exercise and that Courts should not tinker with such stipulations unless they are found to be manifestly arbitrary, patently illegal or unconstitutional.

19. We do not find any such infirmity in the prescription of five years' regular service in the grade of Sub-Inspector/Inspector in the RRs read with the advertisement, for the petitioner to be treated as eligible for participating in the LDCE for promotion as AC(GD) against the 2024 vacancies.

20. The petitioner is, in any case, eligible to compete for the 2025 vacancies. We wish him God speed.

21. The petition is accordingly bereft of merits and is accordingly dismissed.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 17, 2025/AT