



2025:DHC:9050-DB



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

Date of decision: 09.10.2025

+ **W.P.(C) 17351/2024 & CM APPL. 73889/2024**
C JITHIN KUMAR

.....Petitioner

Through: **Mr.Setu Niket, Ms.Esha**
Mazumdar, Advs

versus

CENTRAL BOARD OF SECONDARY EDUCATION

.....Respondent

Through: **Ms.Kirti Bhardwaj, Adv**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 27.11.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred as the 'Tribunal') in O.A. No. 2176/2024, titled ***C Jithin Kumar v. Central Board of Secondary Education***, dismissing the said O.A. filed by the petitioner herein.

2. The petitioner had filed the above O.A. challenging the rejection of his candidature for the post of Analyst (IT) with the Central Board of Secondary Education on the ground that he failed to meet the required/essential qualification.



3. The respondent had advertised the above post stipulating the following essential qualification for the same:-

ANALYST (IT) <i>LEVEL 10 OF 7TH</i> <i>CPC (PB-3 OF RS. 15600-39100 + GP RS. 5400/- OF 6TH CPC)</i>	Essential: Educational & Other Qualifications:- <i>i) B.E./B.Tech (IT)/M.SC. (IT)/MCA from a recognized University/Institution.</i> <i>ii) 05 Years of working experience in development of online applications, using dot net Technologies, SQL Server, Visual Basic dot net, C# dot net, Fox Pro in reputed Institutions/organizations.</i> Age Limit: 35 Years
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4. A Note was further apprehended to the advertisement, as under:-

“Note 1:- REPUTED PRIVATE ORGANIZATIONS MEANS :-

The Private Company/organization having minimum annual turnover of Rs. 100 crores, for last 5 years.

OR

The firm and Company having minimum 100 employees on its roll.”

5. Furthermore, under the head of ‘Important information for the candidates’, it was stipulated as under:

“16. IMPORTANT INFORMATION FOR THE CANDIDATES

xxx

6. Candidate(s) claiming experience has to produce Certificate(s) in the prescribed proforma from the Head(s)/Authorised person of Organisation(s)Department(s) for the entire experience claimed, clearly mentioning the duration of employment (date, month & year) indicating the basic pay and consolidated pay.



The certificate(s) should also mention the nature of duties performed/experience obtained on the post(s) with duration(s). Experience certificate should be issued in prescribed proforma for relevant post.

7. The minimum length of work experience asked for the respective post(s) should be in continuation without any break. The period of experience rendered by a candidate on part time basis, daily wages, visiting/guest faculty will not be counted while calculating the valid experience for short listing the candidates for CBT/Written Test/Skill Test/Interview, as the case may be."

6. The petitioner applied for the said post claiming the following work experience:-

Sr. No.	Designation/ Post	Organization/ Employer	From	To	Level	Grade Pay	Emolument
1	SOFTWARE INTERN	SPRINT TECHNOLOGIES	26/06/2013	14/05/2014	0	0	0
2	SOFTWARE TRAINEE	SPRINT TECHNOLOGIES	15/05/2014	18/07/2014	0	0	5000
3	SOFTWARE ENGINEER	INFOPEAK	01/08/2014	31/07/2015	0	0	17000
4	SOFTWARE ENGINEER	DND	01/08/2015	31/07/2016	0	0	30000
5	SYSTEMS ANALYST	SPERIDIAN TECHNOLOGIES	01/08/2016	24/02/2017	0	0	40000
6	DEO B	DTE GENERAL INFORMATION SYSTEMS	19/06/2017	19/11/2019	5	2800	43000

7. The petitioner participated in the All India Competitive Examination conducted in two stages for the said post, and in the final result, his name was placed in the reserved panel. By an e-mail dated 26.06.2023, the respondent instructed the petitioner to submit the documents to assess his eligibility for the post. However, by a notification dated 24.01.2024, he was declared ineligible for the post



due to non-compliance with the essential eligibility criteria, observing as under:-

“In this connection, it is to inform you that your request dated 04.12.2023 to consider the experience of services rendered by you in the M/s Sprint Technologies w.e.f. 26th June 2013 to 14th May 2014 cannot be taken into consideration in view of the condition laid down in clause 7 of SI. No.16 of the above detailed advertisement dated 15.11.2019 which states that; “the minimum length of work experience asked for the respective post(s) should be in continuation without any break. The period of experience rendered by a candidate on part time basis, daily wages, visiting/guest faculty will not be counted while calculating the valid experience for short listing the candidates for CBT/Written Test/Skill Test/Interview, as the case may be”.”

8. Aggrieved by the same, the petitioner filed the above O.A. before the learned Tribunal.

9. As noted hereinabove, the learned Tribunal has dismissed the O.A. filed by the petitioner, observing as under:

“19. Applicant has not annexed the experience certificates with the OA, however the same has been annexed with the reply filed by the respondents. The certificate issued by M/s Sprint Technologies, dated 17.07.2014 concerns the internship period of the applicant from 26.06.2013 to 14.05.2014. The applicant has served as an Intern for nearly a year/11months. The certificate does not mention any i.d. no or that the applicant has become successful in the Internship and is being taken on regular rolls etc. On the other hand, the certificate dated 18.07.2014 mentions an employee code, and exact period of service. It is unfathomable that the



applicant would work for the company without any wages for 11 months, secure a job there, and then resign from the job in two months. The certificate dated 17.07.2014 therefore does not inspire confidence.

20. We have also seen the representation of the applicant dated 04.12.2023. In the said representation in para 6 he has stated as under:-

“6. I also request you to review and relax the criteria of continuous experience as in IT industry layoffs are very common, or due to some unforeseen personal or medical conditions may arise which makes the candidate to break in between”.

21. This representation was submitted by the applicant seeking reconsideration on the decision of cancellation. A bare reading of the same would show that the applicant was fully aware that he does not fulfil the requirement of 5 years of continuous work experience. The applicant is required to have 5 years of continuous work experience from 15.05.2014. However, this is not so. There is a gap of four months. The experience from 26.06.2013 to 14.05.2014 cannot be counted as the same was as an intern. There is no valid proof regarding its annual turnover and neither the same mentions that it has 100 or more employees. The certificate dated 03.08.2015 issued by Infopeak mentions that the said company has over 100 employees, therefore the same can be counted as relevant experience/Rest of the experience.”

10. The learned Tribunal has further held that the principle of estoppel prevents the petitioner from challenging the selection process after having failed in it.



11. Aggrieved by the above Order, the petitioner has filed the present petition.

12. The learned counsel for the petitioner submits that the recruitment rules for the post of Analyst (IT) prescribe only the following as the essential qualification:

7.	<i>Educational & Other Qualifications required for direct recruits</i>	<u>Essential:</u> (i) BE/B. Tech (IT)/M.Sc. (IT)/MCA from a recognized University/Institution (ii) 05 years of working experience in development of online applications using dot net Technologies, SQL Server, Visual Basic dot net, C# dot net, Fox Pro in reputed institutions/organizations.
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13. He submits that there is no stipulation with respect to a ‘*reputed institution/organisation*’ having a minimum annual turnover of Rs. 100 crores, for last 5 years or 100 employees on its role nor does it stipulate that the experience should be without a break or that the experience as an intern or as a trainee shall not be recognised. He submits that these additional qualifications were added only in the advertisement, contrary to the recruitment rules, and therefore, could not be acted upon.

14. He submits that as the advertisement is against the recruitment rules, these stipulations cannot be enforced, and the principle of estoppel will not apply against the petitioner. In support, he places reliance on the Judgments of the Supreme Court in ***Employees’ State Insurance Corporation v. Union of India and Others***, (2022) 11 SCC



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392, and *Dr. (Major) Meeta Sahai v. State of Bihar and Ors.*, (2019) 20 SCC 17.

15. On the other hand, the learned counsel for the respondent submits that the petitioner, having participated in the selection process, cannot now challenge the advertisement.

16. She further submits that the stipulation with respect to what constitutes a “*reputed institution/organization*” was explained by the respondent in the advertisement. It was also explained in the advertisement as to what nature of work experience can be counted and what cannot be counted. The clarity given in the advertisement cannot be said to be against the recruitment rules. She submits that, therefore, the principle of estoppel applies to the petitioner.

17. We have considered the submissions made by the learned counsels for the parties.

18. As would be evident from the above, the recruitment rules do not specify the nature of work experience, nor do they specify what would constitute a reputed institution/organization. These vague terms came to be clarified by the respondent only in the advertisement, wherein it specified what would constitute a “*reputed institution/organization*” and what kind of work experience is required for the post. The stipulations in the advertisement, therefore, cannot be said to be contrary to the recruitment rules. They are, in fact, explanatory in nature.

19. The petitioner having participated in the selection process, knowing fully well the above conditions, cannot now be allowed to challenge the same. The Judgements of the Supreme Court in



Employees' State Insurance Corporation (supra) and in ***Meeta Sahai*** (supra) do not come to the aid of the petitioner.

20. Be that as it may, the work experience given by the petitioner, which has been reproduced hereinabove, also includes his purported experience as an intern and as a trainee. The same has been excluded by the respondent from consideration. There is also a gap in his experience between the period 24.02.2017 to 19.06.2017. Though the learned counsel for the petitioner has tried to explain this gap by stating that, as he was joining the DTE, General Information Systems, a Government organization, there was a technical gap in his service, these are matters to be considered by the respondent. The respondent, having stipulated that the work experience should be in continuation and without any break, in our view, the respondent has rightly rejected the candidature of the petitioner, both, on the ground of the organization not being qualified as a '*reputed institution/organization*' in terms of the advertisement, as also because of the nature of experience as an intern and trainee not to be entitled to be counted, as well as there being a gap in the work experience of the petitioner.

21. We, therefore, do not find any reason to interfere with the finding of the learned Tribunal in this regard.

22. The petition along with the pending application, is accordingly dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 9, 2025/rv/ik