



2025:DHC:210-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 15.01.2025

+ W.P.(C) 17678/2024
SUBHASHPetitioner

Through: Mr.Aditya Yadav, Adv.

versus

DIRECTORATE GENERAL BORDER SECURITY FORCE
AND ORSRespondents

Through: Mr.Vikrant N. Goyal,
Ms.Shivani Yadav, Mr.Nishu
Dagar, Mr.Aditya Shukla and
Mr.Anubhav Tyagi, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner, praying for a re-evaluation and reconsideration of the application of the petitioner for recruitment to the post of Constable (Cook).
2. The petitioner had applied for the abovementioned post pursuant to the Notification for the post of Constable (Tradesman) (Male & Female) in the Border Security Force for the Year 2023, dated 20.02.2023, issued *vide* Employment Notice No. 9A/Advt/CT(TM)-2023/Rectt/BSF/2023/1657.
3. It is the case of the petitioner that he had successfully completed all the stages of the recruitment process, however, was surprised to find that in spite of meeting the cut-off marks, the name



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of the petitioner was not shown in the final result of shortlisted candidates. The petitioner approached this Court, complaining that he was not aware of the reason why his name has not appeared in the shortlisted candidates.

4. This Court by its Order dated 20.12.2024, therefore, called upon the learned counsel for the respondents to seek instructions on the reasons why the petitioner was not selected for the above post and produce before us the relevant record for the same.

5. Today, the learned counsel for the respondents submits that the petitioner was not shortlisted as he does not possess a Level-I Certificate, which was a requirement for the post he had applied for.

6. In response thereto, the learned counsel for the petitioner submits that the petitioner holds a Level II Certificate from the Om Vijay Charitable Trust, having completed the 'Kitchen Helper Course with Grade A'. Placing reliance on the Judgment of this Court in **Sandeep v. Directorate General BSF & Ors.**, 2024:DHC:9236-DB, he submits that in similar circumstances this Court had allowed the petition filed by the petitioner therein, by observing as under:

"3. As noted hereinabove and in the Order dated 18.11.2024, the petitioner had uploaded his Certificate of completion of the "Kitchen Helper" Course with Grade A from the respondent no. 4, which, as has been informed by the learned counsel for the respondent no. 3 today, is a Course a level higher than the one required in terms of the advertisement. We, therefore, are of the opinion that the respondent no. 1 has erred in rejecting the candidature of the petitioner.

4. Accordingly, the present petition is disposed of by directing the respondent nos. 1



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and 2 to consider the candidature of the petitioner for the post of Constable (Cook) in terms of the advertisement dated 20.02.2023, and to proceed further on merits. In case the petitioner is found fit for appointment on merits and on completion of other formalities, the petitioner shall be given such appointment with retrospective seniority from the date of his batchmates, along with other consequential benefits. However, he shall not be entitled to draw any salary for the intervening period. The decision of the respondents must be communicated to the petitioner within a period of six weeks from today.”

7. On the other hand, the learned counsel for the respondents submits that the Level-I course is different from the Level II course and, therefore, merely because the petitioner has qualified the Level II Certificate course, he would not become eligible for the post applied for.

8. We have considered the submissions made by the parties.

9. From the judgment in **Sandeep** (supra), we find that on identical facts, the respondent no.3 before us, that is, the National Skill Development Corporation, had certified that the Level II course that has been qualified by the petitioner is a level higher than the one required in terms of the advertisement. We, therefore, find no merit in the objection raised by the learned counsel for the respondents and find that the candidature of the petitioner has been wrongly rejected by the respondents.

10. Accordingly, the present petition is disposed of by directing the respondent nos. 1 and 2 to consider the candidature of the petitioner for the post of Constable (Cook) in terms of the Notification dated



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20.02.2023, and to proceed further on merits. In case the petitioner is found fit for appointment on merits, and on completion of other formalities, the petitioner shall be given such appointment with retrospective seniority from the date of his batchmates, along with other consequential benefits. However, he shall not be entitled to draw any salary for the intervening period. The decision of the respondents must be communicated to the petitioner within a period of four weeks from today.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 15, 2025/sg/DG

Click here to check corrigendum, if any