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

Decided on 23.04.2025

+ W.P.(C) 17783/2024

PRATIGYA SHARMA

.....Petitioner

Through: Mr. Alok Raj and Mr. Baliram
Kumar Thakur, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Digvijay Rai, Mr. Archit
Mishra, Advocates with Mr.
Yatinder Singh, Law Officer for
AAI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J (ORAL)

1. The petitioner has filed this writ petition under Article 226 of the Constitution, challenging the cancellation of her candidature for appointment as a Junior Executive (Air Traffic Control) in the respondent - Airports Authority of India ["AAI"] in the Other Backward Classes-Non Creamy Layer ["OBC-NCL"] category.

A. Facts:

2. By way of advertisement No. 05/2023 issued on 14.10.2023, AAI invited applications for 496 vacancies in the post of Junior Executive (Air Traffic Control). 140 vacancies were reserved for OBC-NCL category. The instructions, which were part of the recruitment notification, included the following provision with regard to the OBC Category:

"7. IMPORTANT INSTRUCTIONS:

xxx

xxx

xxx



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*(iv) OBC Certificate:- Candidates applying against vacancies reserved for OBC category should note that at the time of Application Verification, they have to produce a valid OBC (NCL) Certificate issued during Financial Year 2023-24 in the format for appointment to posts under the Government of India, issued by the Competent Authority, in support of their belonging to OBC community in the Central list of OBC and to prove that they do not belong to "Creamy Layer" of the OBCs. A declaration shall also be submitted by the candidate before his/her appointment that he/she does not belong to the Creamy Layer of OBC. OBC (Non-Creamy Layer) Certificate for admission to educational purposes will not be considered."*¹

3. As is commonly found in such advertisements, it also contained specific instructions that candidates should satisfy themselves, with regard to fulfilment of the eligibility criteria, and that they were in possession of documents to demonstrate fulfilment of the said criteria.
4. The petitioner made an application for appointment to the said post in the OBC-NCL Category, and participated in a computer-based test ["CBT"]. She was shortlisted for verification, medical examination and other formalities.
5. The petitioner appeared for document verification on 25.02.2024. In support of her claim for reservation under the OBC-NCL category, she submitted two OBC certificates, dated 13.01.2020 and 06.12.2022, issued by the Sub-Divisional Officer, Sanganer District, Jaipur. Both the certificates were applicable only for employment in the State Government.
6. Finding that these certificates did not fulfil the criteria mentioned in Clause 7(iv) of the advertisement, AAI permitted the petitioner to submit the requisite certificate within seven days thereafter. The petitioner submitted an undertaking to this effect, in which it was stated

¹ Emphasis supplied.



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that she had not brought some original documents, including a “*Valid Caste Certificate for OBC (Non-Creamy Layer) (issued during F.Y. 2023-2024)*”, in the format prescribed for **Recruitment to Central Govt. Services.**”². She sought permission to attend the application verification on 25.02.2024, subject to the condition that she would submit the relevant documents in original within seven days, failing which her candidature would be treated as cancelled.

7. By an e-mail dated 29.02.2024, the petitioner submitted various further documents, including an OBC Certificate dated 27.02.2024, issued by the Sub-Divisional Officer, Sanganer District, Jaipur. This certificate was, unfortunately, again valid only for State Government services.

8. By an e-mail communication dated 10.04.2024, AAI informed the petitioner that the certificate was valid for recruitment only to State Government services, whereas the format required was for recruitment to Central Government services. Her candidature was, therefore, cancelled, as it was stated that she is not eligible for the recruitment process. A revised result of the CBT was then declared.

9. The petitioner thereafter, by an e-mail dated 02.12.2024, submitted an OBC certificate dated 18.11.2024 issued by Sub-Divisional Magistrate, Sanganer District, Jaipur, which deals with employment under the Government of India, and sought review of her candidature. Her request was not considered favourably, and AAI issued a provisional selection list on 17.12.2024.

² Emphasis supplied.



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B. Submissions:

10. Mr. Alok Raj, learned counsel for the petitioner, submits that the petitioner was unaware of the distinction between an OBC certificate for the purpose of Central Government recruitment and State Government recruitment. She, therefore, overlooked this distinction while submitting the certificates in question. He submits that such a trivial error ought not to jeopardise the petitioner's employment, having otherwise succeeded in her application on merit. Mr. Raj cites the judgments of the Supreme Court in *Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board*³ and *Karn Singh Yadav v. Government of NCT of Delhi & Ors*⁴.

11. Mr. Digvijay Rai, learned counsel for AAI, on the other hand, submits that the instructions in the advertisement were clear – the certificate required was for recruitment to Central Government services, as AAI is a statutory authority of the Central Government. When the discrepancy in the petitioner's documentation was noticed, she was granted an opportunity to remedy it, but failed to do so. He submits that no relaxation, in these circumstances, is warranted, as it would constitute a departure from the conditions of the recruitment notification. Such a course is impermissible in terms of the judgments of the Supreme Court in *Rakesh Kumar Sharma v. State (NCT of Delhi) and Ors*.⁵ and *Bedanga Talukdar v. Saifudaullah Khan and Ors*⁶. He also cites the judgments of this Court in *EDEM Sanketh v. Union of India & Ors*.⁷ and *Mohit Sharma*

³ (2016) 4 SCC 754 [hereinafter, "*Ram Kumar Gijroya*"].

⁴ (2024) 2 SCC 716 [hereinafter, "*Karn Singh Yadav*"].

⁵ (2013) 11 SCC 58 [hereinafter, "*Rakesh Kumar Sharma*"].

⁶ (2011) 12 SCC 85 [hereinafter, "*Bedanga Talukdar*"].

⁷ 2020 SCC OnLine Del 1825 [hereinafter, "*EDEM Sanketh*"].



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v. *All India Institute of Medical Sciences & Ors*⁸, which arose in substantially similar circumstances with regard to the submission of appropriate OBC-NCL certificate.

C. Analysis:

12. In *Ram Kumar Gijroya*, the Supreme Court approved the decisions of this Court in *Tej Pal Singh & Ors. v. Govt. (NCT of Delhi) & Anr.*⁹ and *Pushpa v. Govt. of NCT of Delhi & Ors*¹⁰, to the effect that an OBC certificate can be submitted, even after the last date for submission of applications, but before the final selection list. The order of the Supreme Court in *Karn Singh Yadav* also follows the judgment in *Ram Kumar Gijroya*.

13. In the present case, however, these decisions do not apply as the certificates, which were submitted by the petitioner at the relevant time – even after she was granted an opportunity to rectify the defect – were only for recruitment to State Government services. She obtained the certificate for Central Government services more than seven months after her candidature had already been rejected. That too was issued in the financial year 2024-25, as against the financial year 2023-24, mentioned in the advertisement. In the case of an OBC-NCL certificate, this bears some significance, as a “Non-Creamy Layer” certificate depends upon a person’s social/financial status at a particular point in time. Thus, the petitioner, at no stage, submitted a certificate which answers to the requirements of Clause 7(iv) of the advertisement, i.e. issued during the financial year 2023-24 and in the format for appointment to posts under

⁸ 2019 SCC OnLine Del 9556 [hereinafter, “*Mohit Sharma*”].

⁹ [1999 SCC OnLine Del 1092].



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the Government of India.

14. As opposed to these judgments, the judgments of this Court in *EDEM Sanketh* and *Mohit Sharma* deal with situations similar to the present case. In *EDEM Sanketh*, a candidate for admission to an educational institution, had challenged his non-inclusion in OBC-NCL category in the provisional list of eligible candidates. He had submitted a State Government issued certificate, which was duly flagged as not meeting the required eligibility criteria, and was given an opportunity to upload relevant documents proving his eligibility in the OBC category. The Court, upon analysing the caste certificate submitted, held that the certificate was not in accordance with the prescribed format before the release of the selection list.

15. In *Mohit Sharma*, the Division Bench of this Court dealt with a challenge to the order of the learned Single Judge, which dismissed a writ petition seeking admission under the OBC quota and challenging an eligibility criteria requiring OBC-NCL certificate for the purpose of Central Government recruitment having validity one day prior to the date of the 1st counselling/seat allocation. The Division Bench upheld the order of the learned Single Judge, and found the OBC-NCL certificate submitted by the candidate to be belated and not-compliant against the criteria prescribed in the prospectus. The Division Bench held as follows:

“13. Even otherwise, eligibility must be determined on the cut off date prescribed by the respondent No. 1/AIIMS and no relaxation can be extended for the reason that any relief granted to a particular candidate, who approaches the Court, would amount to giving a benefit to him to the prejudice of others. If the validity of the OBC certificate is allowed to be determined as on the date the

¹⁰ 2009 SCC OnLine Del 281.



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candidate appears before the Registrar, AIIMS with the relevant documents etc., then the same would act to the detriment and prejudice of other candidates, who assuming that they were ineligible in terms of the Prospectus and the Information Brochure, did not apply in the OBC category. [Refer: Karnataka State Road Transport Corporation v. Ashrafulla Khan, (2002) 2 SCC 560; FCI v. Ram Kesh Yadav, (2007) 9 SCC 531; Maharishi Dayanand University v. Surjeet Kaur, (2010) 11 SCC 159 : JT (2010) 7 SC 179; State of West Bengal v. Subhas Kumar Chatterjee, (2010) 11 SCC 694 and Delhi Subordinate Services Selection Board v. Ram Kumar Gijroya, (2012) 128 DRJ 124].

14. *This is not a case where the requirements prescribed in the Prospectus came as a bolt out of the blue for the appellant/petitioner. The Prospectus for admission to the MBBS-2019 Course was published on 19.02.2019. Condition No. 3 therein had clearly stated that the OBC certificate must be valid for admission for Central Government Institutions and the date of validity of the said certificate should be one day prior to the date of first counselling/seat allocation. As per the schedule declared by the respondents, the first round of online counselling was to commence on 26.06.2019 and close on 27.06.2019. In such circumstances, there was no good reason for the appellant/petitioner to have sat back from 19.02.2019, right upto 01.06.2019, when he finally woke up to approach the Competent Authority for issuance of an OBC certificate as per the Central Government format. By then, it was too late as the validity of the OBC certificate prescribed in the Prospectus was one day prior to the date of first counselling/seat allocation and the said certificate was required to be not older than one year, on the date of first counselling.*

15. **The procedure prescribed in the Prospectus casts an obligation on the applicants to apply in terms thereof and they cannot be heard to state later on that their applications should have been accepted even if they did not adhere to the conditions prescribed therein.** For the said reason, rejection of the OBC certificate submitted by the appellant/petitioner on the ground that it was not in order, cannot be faulted and nor can the said condition prescribed by the respondent No. 1/AIIMS be diluted for the benefit of the appellant/petitioner, to the exclusion of other similarly placed candidates.

16. *In view of the aforesaid discussion, the impugned judgment is upheld and the present appeal is dismissed alongwith the pending application. No orders as to costs.”¹¹*

¹¹ Emphasis supplied.



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16. In *Rakesh Kumar Sharma* and *Bedanga Talukdar*, the Supreme Court has emphasised strict adherence with the terms of a recruitment notification, both in order to ensure that all eligible candidates may apply and compete freely, and that other candidates, who may have been eligible in view of the relaxation, could also have applied.

17. Having regard to these principles, I am unable to accept the petitioner's contention that her candidature ought to be considered on the strength of the certificates submitted. She had admittedly not submitted a compliant OBC-NCL certificate at the time of document verification, or even in accordance with her undertaking to submit one within seven days thereafter. The certificate submitted later, after cancellation of her candidature, was also not applicable to the financial year mentioned in the advertisement.

D. Conclusion:

18. The writ petition is, therefore, dismissed, but with no order to costs.

PRATEEK JALAN, J

APRIL 23, 2025

SS/AD