

GAHC010015082026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case : WP(C)/555/2026

SRI CHANDAN CHAUHAN
S/O- RAJESH CHAUHAN.
R/O- VILL.- BOGORIGHAT NO.2
P.S.- KHERONI
DIST.- WEST KARBI ANGLONG
ASSAM.

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI
INDIA.

2:THE STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN/SECRETARY
BLOCK-12
CGO COMPLEX
LODHI ROAD
NEW DELHI.

3:THE DIRECTOR GENERAL
CRPF (RECRUITMENT BRANCH)
EAST BLOCK-07
LEVEL-4
SCETOR -01
R.K. PURAM
NEW DELHI-110066.

4:THE SPECIAL DIRECTOR GENERAL OF POLICE
NORTH EAST ZONE
CRPF
9TH MILE
AMERIGOG
GUWAHATI
DIST.- KAMRUP(M)
ASSAM.

5:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
BLOCK-10
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003.

6:THE INSPECTOR GENERAL
BORDER SECURITY FORCE
FRONTIER HEADQUARTERS
PATGAON
NEAR AZARA RAILWAY STATION
GUWAHATI
DIST.- KAMRUP(M)
ASSAM
PIN- 781017.

7:THE PRESIDING OFFICER
EXECUTIVE BOARD.
DV/DME/RME-CT) (GD) EXAM-2025
CENTRE - CAPFs COMPOSITE HOSPITAL
PATGAON
BORDER SECURITY FORCE
GUWAHATI. DIST.- KAMRUP(M)
ASSAM

8:THE DISTRICT COMMISSIONER
WEST KARBI ANGLONG
HAMREN
DIST.- WEST KARBI ANGLONG
ASSAM.

Advocate for : MR. R BORA

Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.04.2026

Heard Mr. R. Boro learned counsel for the petitioner, also heard Mr. S.S. Roy, learned CGC for the Respondents.

2. This petition is filed by the petitioner seeking a writ of mandamus for setting aside of the Clause 6.5 of the advertisement dated 05.09.2024 as also the rejection slip dated 03.12.2025, whereby the candidature of the petitioner stood rejected. Further, a writ of mandamus to the respondents authorities to consider the candidature of the petitioner under the respective categories by taking into account of the OBC (NCL) certificate produced by the petitioner.

3. The petitioner had submitted their candidature in response to the advertisement dated 05.09.2024 issued by the Respondent No. 2 inviting application for the appointment to the post of Constable (GD) in Central Armed Police Forces (CAPFs) and SSF, Rifleman (GD) in Assam Rifles, and Sepoy in Narcotics Control Bureau. The date for submission of the online the application, the last date for submission of online application, the dates for correction and the tentative scheduled of dates for the Computer based examination were all notified.

4. In response to the said advertisement, the writ petitioner had submitted his application supported by necessary documents. According to the writ petitioner, he belongs to the OBC category, and therefore he had submitted his credential. However, the Non-Creamy Layer certificate which was applied for by the petitioner could be submitted only upon issuance of the said certificate by the concerned State Authorities. However the respondent authorities refused to

accept this NCL certificate. Subsequently the certificate which was submitted by the writ petitioner and the candidature of the petitioner stood rejected notwithstanding that he would otherwise qualified for being selected and considered for the said recruitment. Being aggrieved, the present writ petition has been filed.

5. According to the petitioner there is a conflict between the terms of the advertisement, more particularly Clause 6.5 and 6.6 and the notification dated 17.08.2017 issued by the Government of India. In the said notification dated 17.08.2017, the Clause 3.1 provides as under:

“3. Keeping in view the difficulties faced by the candidates and the Order of Hon'ble Supreme Court in SLP No. 3116/2017 in the matter of Union of India vs Abdul Rasheed, the Commission took up the matter regarding relaxation in the stipulated time limit (as indicated at para I above) with the Department of Personnel & Training. The Department of Personnel & Training in consultation with Department of Legal Affairs, endorsed the following decisions of the Commission as given below:-

(i) With effect from 23.01.2017. (Le the date of dismissal of SLP No. 3116/2017 filed by the Commission in the Hon'ble Supreme Court of India (UOI vs Abdul Rasheed)] the Commission will not insist on candidates producing OBC Certificates issued within the cut off dates Le. 3 years, before the last date of receipt of applications and up to 180 days after the closing date of applications mentioned in the Notices.”

6. However, in the respect of the writ petitioner, the authorities rejected the candidature by issuing a rejection slip indicating that the OBC (NCL) certificate as on date 14.10.2024 was not produced and as a consequence the petitioner is treated to be overaged and not eligible to get relaxation of OBC.

7. Although, the respondents were given opportunities to complete their instructions. On written instructions, the learned CGC submits that the timeline prescribed under the notification dated 17.08.2017 still continue to hold the field. According to the petitioner the date of document verification was held on 03.12.2025. On the said date the petitioner had submitted his OBC NCL certificate. However the same stood rejected by order dated 03.12.2015 that this documents were submitted after the cut off date and therefore the benefit of age relaxation of the writ petitioner was not available.

8. According to the respondents the last date for submission of document was 14.10.2024 as per the advertisement dated 05.09.2024. It is submitted by the learned counsel for the petitioner that in terms of the notification dated 17.08.2017, it was provided that the Commission will not insist on the candidates producing the OBC certificate issued within the cut off date i.e. 3 years before the last date of receipt of applications and up to 180 days after the closing date of applications mentioned in the notices.

9. The learned counsel for the petitioner therefore submits that his rejection was contrary to the notices and the circular issued by the Commission. Since the closing date of the application was 14.10.2024, the petitioner had submitted his certificate on 07.01.2025 therefore he should be covered the extended benefit under notification dated 17.08.2017.

10. The learned counsel for the respondents on the other hand, on the basis of instructions, submits that the notification still subsists, therefore in so far as the writ petitioner is concerned it appears that he will be covered by the benefit extended vide circular dated 17.08.2017.

11. In view of such submissions made before the court notwithstanding that no counter affidavit has been filed by the respondents and also taking into

consideration, the instructions received by the respondent authorities and which are placed before the Court, is clear that the petitioner was deprived of the benefit specified under notification dated 17.08.2017, and therefore the rejection of the candidature of the petitioner calls for interference.

12. Accordingly in view of the submissions made and upon perusal of the notification dated 17.08.2017, the rejection of the writ petitioner by order dated 03.12.2025 on the account that the non-creamy layer certificate as on date 14.10.2024 was not produce is hereby interfered with and set aside. The matter is remanded back to the authorities who will consider the NCL certificate and give the due benefit to the petitioner as have been conferred under the notification dated 17.08.2017.

13. The respondent authorities after revisiting the process by applying the benefit conferred under notification dated 17.08.2017 will pass appropriate order putting up the petitioner for medical examination. The selection for further appointment of the writ petitioner however shall be subject to the outcome of the medical examination.

14. Accordingly, this writ petition stands disposed of.

15. Let this exercise be completed within a period of 60 days from the date of receipt of certified copy of this order.

JUDGE

Comparing Assistant