IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1333 of 2024

.....

Vivek Kumar, aged about 33 years, son of Ashok Prasad, resident of Baniya Tola, Chowk Bazar, P.O. & P.S.-Gola, District-Ramgarh. .... **Petitioner(s)**

-VERSUS-

1. The Chairman cum Managing Director, Central Coalfield Limited, Darbhanga House, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi.
2. The Director (Personnel), Central Coalfield Limited, Darbhanga House, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi.
3. The General Manager (Personnel), Central Coalfield Limited, Darbhanga House, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi.
4. The General Manager (P&IR), Central Coalfield Limited, Darbhanga House, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi.
5. The General Manager (HRD), Central Coalfield Limited, Darbhanga House, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi. **.....Respondent (s)**

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CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Manoj Tandon, Advocate
Mrs. Neha Bhardwaj, Advocate
For the Respondent (s) : Mr. A.K. Das, Sr. Advocate
Ms. Swati Shalini, Advocate

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C.A.V. ON 18/08/2026 **PRONOUNCED ON:07/09/2026**

1. Heard learned counsel for the parties.

2. The petitioner has approached this Court seeking a direction upon the respondents to consider his candidature for appointment to the post of Electrician (Non-Excavation)/Technician against the OBC (Non-Creamy Layer) category and, consequently, to permit him to participate in the process of medical examination and appointment.

Factual Metrix:

3. The respondent-Central Coalfields Limited issued an employment notice dated 28.03.2023 inviting applications for various posts, including the post of Electrician (Non-Excavation)/Technician. In all, 126 posts were advertised for the said post, out of which 03 posts were reserved for candidates belonging to the OBC (Non-Creamy Layer) category. Clause 7 of the employment notice prescribed the documents required to be furnished by the candidates and, inter alia, required candidates claiming reservation under the OBC (NCL) category to submit a self-attested legible photocopy of the caste certificate. The advertisement also contained a specific stipulation, with reference to the Office Memorandum issued by the Department of Personnel and Training, Government of India, dated 31.03.2016, regarding the validity of the certificate relating to creamy-layer status.

4. The petitioner applied for the aforesaid post and participated in the recruitment process. His application was submitted online on 17.04.2023. The petitioner relies upon an OBC certificate dated 15.04.2023 and contends that, being the latest certificate available at the time of submission of his application, the same satisfied the requirement contained in Clause 7 of the employment notice.

5. The petitioner was permitted to appear in the Computer Based Test and, having qualified therein, his name

found place in the provisional list. Thereafter, by communication dated 23.12.2023, the petitioner was called for document verification. The said communication specifically required candidates claiming reservation under the OBC (NCL) category to produce the requisite certificate relating to the financial year 2022–23.

6. It is the case of the respondents that, at the stage of document verification, the petitioner produced an OBC (NCL) certificate dated 12.04.2023. The respondents found the said certificate not acceptable for the purpose of extending the benefit of OBC (NCL) reservation, as the certificate did not establish the petitioner's non-creamy-layer status for the relevant financial year 2022–23. The respondents have further relied upon Clause 4 of the said certificate, which states that the certificate would remain valid for one year from the date of its issuance.

7. The petitioner was consequently not included amongst the candidates shortlisted for the subsequent stage of medical examination and appointment. Aggrieved thereby, the petitioner has approached this Court seeking a direction upon the respondents to accept his candidature on the basis of the certificate relied upon by him and to permit him to proceed with the recruitment process and appointment.

8. The respondents have contested the writ petition by filing a counter affidavit. Their specific stand is that the requirement of establishing OBC (Non-Creamy Layer) status for the relevant financial year was not a condition introduced for the first time at the stage of document verification, but was preferable to the terms of the original employment notice read with the Government of India guidelines expressly referred to therein. It has further been contended that the certificate produced by the petitioner did not establish his non-creamy-layer status for the financial year 2022–23 and, therefore, the petitioner could not claim the benefit of reservation merely on the basis of a certificate issued on 12.04.2023.

9. It is in the aforesaid factual background, the rival submissions advanced by the learned counsel for the parties fall for consideration.

Submissions on Behalf of the Petitioner

10. The case of the petitioner, as argued by Mr. Manoj Tandon, Ld. Counsel representing the petitioner, is that the respondents have acted arbitrarily and illegally in not considering his candidature. It has been submitted that Clause 7 of the employment notice required the candidates to produce a self-attested legible photocopy of the ***latest caste certificate*** in case of a candidate claiming benefit under the

OBC (NCL) category. According to the petitioner, his application was submitted online on 17.04.2023 and the caste certificate produced by him was dated 15.04.2023 and, therefore, was the latest certificate available to him.

11. It has been further submitted that the employment notice did not stipulate that the candidate was required to possess an OBC (NCL) certificate specifically pertaining to the financial year 2022–23. It is thus contended that the respondents could not introduce such a condition subsequently at the stage of document verification, as that would amount to changing the rules of the game after commencement of the selection process.

12. In support of his contention, Mr. Tandon has placed reliance upon the judgment of the Hon'ble Supreme Court in the case of ***K. Manjusree v. State of Andhra Pradesh***, reported in ***(2008) 3 SCC 512***, and the Constitution Bench judgment in ***Tej Prakash Pathak v. High Court of Rajasthan***, reported in ***(2025) 2 SCC 1***, particularly paragraphs 16 and 36 thereof. It has been submitted that the principle that the criteria of selection cannot be altered midway through the recruitment process is now well settled and, therefore, the petitioner is entitled to be considered for appointment on the basis of the certificate dated 15.04.2023.

<u>Submissions on Behalf of the Respondent</u>

13. *Per contra*, Mr. Amit Kumar Das, Ld. Sr. Counsel appearing for the respondents has opposed the writ petition. It has been submitted that the advertisement dated 28.03.2021 invited applications for, inter alia, the post of Electrician (Non-Excavation)/Technician, against which 126 posts were advertised, including 03 posts reserved for OBC (NCL) candidates.

14. It has been pointed out that Clause 7 of the advertisement required candidates claiming reservation under the OBC (NCL) category to furnish the requisite certificate and, significantly, the advertisement itself contained a specific clarification, with reference to the Government of India, Department of Personnel and Training guidelines dated 31.03.2016, that the certificate relating to creamy-layer status is valid only for the financial year in which the certificate is issued.

15. It is the specific case of the respondents that the petitioner was permitted to participate in the Computer Based Test and his name was included in the provisional list. Thereafter, when he was called for document verification by letter dated 23.12.2023, the candidates claiming reservation under the OBC (NCL) category were specifically required to produce the requisite certificate for the financial year 2022–23.

16. The respondents have further stated that the certificate submitted by the petitioner at the stage of document verification was dated 12.04.2023 and, by its own terms, was stated to be valid for one year from the date of its issuance. According to the respondents, the said certificate did not certify the petitioner's non-creamy-layer status for the relevant financial year 2022–23 and, consequently, could not be accepted for extending the benefit of reservation.

17. It has also been submitted that the requirement relating to the relevant financial year was not introduced for the first time at the stage of document verification, but flowed from the advertisement itself and the Government of India guidelines expressly referred to therein. Reliance has been placed upon the judgments of the Hon'ble Supreme Court in ***Divya v. Union of India & Others***, reported in ***(2024) 1 SCC 448***, and ***Union Public Service Commission v. Gaurav Singh & Others***, reported in ***(2024) 2 SCC 605***.

18. Having heard Ld. Counsel for the rival parties and after perusing the records of the case, it transpires that the short question which arises for consideration is *"whether the respondents, by requiring the petitioner to produce an OBC (NCL) certificate relatable to the relevant financial year, have*

impermissibly altered the eligibility criteria after commencement of the recruitment process".

19. The contention of the petitioner proceeds principally on the expression *"Latest Caste Certificate"* occurring in Clause 7 of the advertisement. This Court is of the view; the said expression cannot be read in isolation or divorced from the remaining stipulations contained in the very same clause. The advertisement was not merely concerned with the fact that a candidate belonged to the OBC category. The benefit claimed by the petitioner was specifically the benefit of *OBC (Non-Creamy Layer) reservation*.

20. The distinction between an ordinary caste certificate and a certificate establishing the requisite *non-creamy-layer status* is material. The entitlement to reservation under the *OBC (NCL) category* depends not merely upon membership of the notified OBC community but also upon satisfaction of the *non-creamy-layer* condition in accordance with the applicable Government of India guidelines.

21. Significantly, the advertisement itself referred to the applicable DoPT guidelines and specifically indicated that the certificate relating to *"creamy-layer status"* would be valid only for the financial year in which the certificate was issued. Therefore, the requirement relating to the relevant financial

year cannot be characterized as a new condition introduced by the respondents after commencement of the selection process. It was a requirement inherent in, and referable to, the terms of the advertisement itself.

22. The judgment in *K. Manjusree (supra)* undoubtedly lays down the salutary principle that an authority conducting a recruitment process cannot introduce a new criterion of selection after the process has commenced, particularly where such alteration has the effect of changing the basis on which candidates were evaluated. The said principle has subsequently been authoritatively considered by the Constitution Bench in *Tej Prakash Pathak (supra).*

23. The Constitution Bench in *Tej Prakash Pathak (supra)* has reaffirmed that the eligibility criteria notified at the commencement of recruitment ordinarily cannot be changed midway through the recruitment process.

At the same time, the said principle does not prevent the recruiting authority from enforcing an eligibility requirement which was already contained in the governing rules or advertisement. The present case falls in the latter category.

24. In the present matter, the respondents have not altered the post, reservation structure, qualification, method of selection or any benchmark of merit after commencement

of the recruitment process. Nor have they introduced a fresh condition which was wholly absent from the advertisement. They have merely required the petitioner, who seeks the benefit of OBC (NCL) reservation, to establish that he possessed the requisite *non-creamy-layer status* for the relevant financial year.

25. The certificate relied upon by the petitioner does not, according to the document produced on record, establish his non-creamy-layer status for the financial year 2022–23. The certificate dated 12.04.2023, relied upon by the petitioner, merely records its validity for one year from the date of its issuance. Such a certificate cannot, by itself, establish the petitioner's non-creamy-layer status for the preceding financial year when the relevant requirement is linked to the income/wealth test applicable to the relevant period.

26. The distinction is important. The petitioner does not merely suffer from a technical or clerical defect in a certificate otherwise establishing the requisite status for the relevant financial year. The deficiency goes to the very root on which the petitioner seeks the benefit of reservation.

27. The Hon'ble Supreme Court in ***Union Public Service Commission v. Gaurav Singh (supra)*** has emphasised that where the relevant financial year forms part of the eligibility

requirement, a certificate relating to a different financial year cannot be treated as a mere technical irregularity. The Court has also held that a candidate is required to exercise due diligence in ensuring that the certificate furnished satisfies the requirement of the recruitment notice.

28. Likewise, the principles reiterated in ***Divya (supra)*** support the proposition that where a particular category of reservation is dependent upon possession of the prescribed certificate for the relevant period, the recruiting authority is entitled to insist upon compliance with that requirement. The subsequent production of a certificate cannot confer upon a candidate an eligibility which was not established in accordance with the conditions governing the recruitment.

29. This Court is therefore, unable to accept the submission that the respondents have changed the *"rules of the game"*. The expression *"latest caste certificate"* cannot be construed to mean that any certificate issued shortly before the date of application, irrespective of whether it establishes the requisite non-creamy-layer status for the relevant financial year, would necessarily confer eligibility for reservation.

30. Acceptance of the petitioner's interpretation would, in effect, render the requirement concerning the non-creamy-

layer status and the relevant financial year meaningless. Such an interpretation would also result in candidates being granted the benefit of OBC (NCL) reservation without establishing the very condition upon which such benefit is founded.

31. There is yet another aspect of the matter. The petitioner was specifically informed, at the stage of document verification, of the requirement to furnish the requisite certificate for the financial year 2022–23. The petitioner did not challenge the said requirement at that stage. Having participated in the document-verification process, he cannot subsequently contend that the requirement itself was wholly foreign to the recruitment process, particularly when the same is traceable to the terms of the original advertisement and the guidelines expressly referred to therein.

32. It is trite that the terms of an advertisement govern the recruitment process and the candidates are required to satisfy the conditions prescribed therein. The Court exercising jurisdiction under Article 226 of the Constitution does not sit as an appellate authority over the assessment made by the recruiting authority, unless the decision is shown to be arbitrary, discriminatory, perverse or contrary to the governing rules.

33. In the present case, this Court find no such arbitrariness or illegality. The respondents have uniformly applied the requirement relating to the relevant financial year to candidates claiming OBC (NCL) reservation. The petitioner has failed to demonstrate that he possessed and produced the requisite document establishing his eligibility for the OBC (NCL) category for the relevant financial year.

34. The reliance placed by Ld. Counsel for the Petitioner upon ***K. Manjusree (supra)*** and ***Tej Prakash Pathak (supra)***, therefore, does not advance his case. Those decisions protect candidates against an alteration of the eligibility or selection criteria after commencement of the recruitment process; they do not confer a right upon a candidate to disregard an eligibility condition which was already incorporated in the recruitment framework.

35. The writ Court cannot direct the respondents to treat a candidate as eligible for a reserved category when the candidate has failed to establish the requisite eligibility in accordance with the applicable conditions. To do so would amount to rewriting the advertisement and granting an exemption to the petitioner which is not available to other similarly situated candidates.

36. Accordingly, I am of the considered view that the petitioner has failed to establish any legal or enforceable right

to claim consideration for appointment against the OBC (NCL) reserved post on the basis of the certificate relied upon by him.

37. Consequently, the prayer of the petitioner for a direction to the respondents to consider his candidature, to shortlist him for medical examination and to thereafter appoint him to the post of Electrician (Non-Excavation)/Technician cannot be granted.

38. The writ petition is, accordingly, dismissed. Pending I.A., if any, also stand disposed of.

(Deepak Roshan, J)

Dated: 07/09/2026

Amardeep/
A.F.R.

Uploaded on

8.9.2026