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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25552-2023
DECIDED ON:07.03.2026

AKKIREDDI SIVA RAMA KRISHNA

.....PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karan Singla, Advocate with
for the petitioner(s)

Ms. Neha Sharma, Sr. Panel counsel
for UOI/respondents

SANDEEP MOUDGIL, J (ORAL)

Prayer

1. The jurisdiction of this court has been invoked by the petitioner by way of the present writ petition seeking quashing of the impugned order dated 09.10.2023 (Annexure P-1) whereby the candidature of the petitioner for the post of Tradesman Skilled (Electrical Fitter) under Notification No. 01/2022 issued by the Indian Navy has been rejected.

The Conspectus of Facts

2. Pursuant to Notification No. 01/2022, applications were invited for various posts including Electrical Fitter, for which the prescribed age limit was 18–25 years with applicable relaxations for reserved categories including OBC candidates.

3. The petitioner, belonging to the OBC category and being within the permissible age limit after availing OBC relaxation, applied for the said post. At the relevant time, the petitioner was employed as Technician in CSIR-CSIO, Chandigarh, and had disclosed all necessary particulars including his employment status in the application form. He successfully cleared the written examination and was placed in the provisional select list based on merit. Thereafter, he was called for document verification and pre-appointment formalities, which he duly completed.

4. Despite completion of all formalities, the petitioner was not issued an appointment letter, while similarly placed candidates were granted appointments. Upon repeated representations, the petitioner was finally served with the impugned rejection order dated 09.10.2023 whereby the candidature of the petitioner was rejected on the ground that he was not eligible for age relaxation as a departmental candidate since he was employed in an autonomous body (CSIR) and not in Central Government service, as per DoP&T guidelines.

5. Being aggrieved by the impugned action of the respondents, the petitioner has approached this Court by way of the present writ petition.

Contentions

On behalf of the petitioners

6. Learned counsel for the petitioner submits that the entire edifice of the respondents' action rests on a complete misdirection in law. The petitioner is not seeking age relaxation as a "departmental candidate", rather his claim is squarely founded on the explicit stipulation in the advertisement granting 3 years' relaxation to OBC candidates.

7. It is contended that the petitioner, admittedly belonging to the OBC category and being below 27 years at the time of application, fully satisfied the

age criteria. This position stands undisputed even in the proceedings before this Court.

8. Learned counsel argues that the respondents have conflated two distinct categories i.e. departmental candidates and OBC candidates and the reliance on the DoP&T Office Memorandum dated 27.03.2012 is wholly misplaced, as the same governs only departmental age relaxation and has no bearing on category-based relaxation expressly provided in the advertisement.

9. It is further submitted that once the advertisement constitutes the governing framework of selection, the respondents are bound by its terms and cannot import extraneous conditions to defeat a candidate's legitimate claim.

10. Learned counsel emphasizes that the petitioner not only cleared the written examination on merit but also completed all pre-appointment formalities. The subsequent denial of appointment on an irrelevant ground is arbitrary and violative of Articles 14 and 16.

11. It is lastly contended that even assuming, arguendo, that the petitioner was wrongly treated as a departmental candidate, the same cannot operate to his prejudice when he independently satisfies the eligibility under the OBC category.

On behalf of respondent/State

11. Per contra, learned counsel for the respondents submits that the petitioner had, in his application form, declared himself to be in Central Government service and was accordingly extended the benefit of age relaxation as a departmental candidate.

12. It is argued that during document verification, it was revealed that the petitioner was employed in CSIR, which is an autonomous body/PSU and not a

Central Government department, thereby rendering him ineligible for such relaxation under the applicable DoP&T instructions.

13. Learned counsel contends that furnishing incorrect information strikes at the root of the selection process and attracts the consequences stipulated in the advertisement, including cancellation of candidature. It is further submitted that once the petitioner is disentitled from claiming relaxation as a departmental candidate, he falls outside the prescribed age limit and is thus ineligible for appointment.

Analysis

14. The matter before this Court raises a narrow but significant question of law and fact: whether a candidate, belonging to the OBC category, who applied for a post under Notification No. 01/2022 issued by the Indian Navy, can be denied the benefit of age relaxation explicitly provided in the advertisement on the ground that he was employed in a Public Sector Undertaking and not directly in the Central Government.

15. It is not disputed that the petitioner belongs to the OBC category and, at the time of application, was below the age limit after accounting for the 3-year relaxation prescribed for OBC candidates in the recruitment advertisement. The petitioner successfully cleared the written examination and was included in the provisional merit list. Subsequently, he completed all formalities i.e. medical examination, character verification, and police verification.

16. The respondent's objection is founded exclusively on the petitioner's employment with CSIR-CSIO, a Public Sector Undertaking, and their reliance on the DoP&T Office Memorandum dated 27.03.2012, which governs age relaxation for departmental candidates in Central Government service. Learned counsel for the respondents argued that because the petitioner was not a Central Government

employee, he could not avail of the age relaxation provided for departmental candidates.

17. This Court is of the view that the respondents' reliance on the said memorandum is wholly misplaced. The petitioner is not seeking age relaxation as a departmental candidate; his claim is for age relaxation under the OBC category, which is expressly provided in the recruitment notification. The DoP&T instruction has no application to category-based relaxation, which is independent of employment status.

18. A recruitment advertisement, once issued, forms the bedrock of the contractual relationship between the candidate and the authority. The rules of selection prescribed therein cannot be altered at the whims of the authority after the recruitment process has commenced. In this regard, the Constitution Bench of the Supreme Court has, in its recent judgment in ***Tej Prakash Pathak v. Rajasthan High Court, 2024 SCC Online SC 3184***, examined in detail the principle that the rules of the game, in matters of selection, could not be changed after the game began. In this regard, the Supreme Court has specifically noted that, in the matter of shortlisting of candidates, the principle that the rules of the game could not be changed after the game began would not apply with the same rigour. One may reproduce, in this regard, paras 31 to 36 of the said decision, thus:

"31. As already noticed in Section (A), a recruitment process inter alia comprises of various steps like inviting applications, scrutiny of applications, rejection of defective applications or elimination of ineligible candidates, conducting examinations, calling for interview or viva voce and preparation of list of successful candidates for appointment. Subject to the rule against arbitrariness, how tests or viva voce are to be conducted, what questions are to be put, in what manner evaluation is to be done, whether a short listing exercise is needed are all matters of procedure which, in absence of rules to the contrary, may be devised by the competent authority. Often advertisement(s) inviting applications are open-ended in terms of these steps and leave it to the discretion of the competent authority to adopt

such steps as may be considered necessary in the circumstances albeit subject to the overarching principle of rule against arbitrariness enshrined in Article 14 of the Constitution.

32. To elucidate the above proposition we shall notice few instances where the procedure devised by the recruiting body has been approved by this Court. In **Santosh Kumar Tripathi v. U.P. Power Corporation, (2009) 14 SCC 210**, this Court was required to consider whether the Rule enabling Service Commission to examine, interview, select and recommend suitable candidates would include power to hold written examination. This Court accepted the High Court's view that power to 'examine' would include holding of written examination.

33. In **M.P. Public Service Commission v. Navnit Kumar Potdar, (1994) 6 SCC 293** the question which arose before this Court was as to whether in the process of short-listing, the Commission has altered or substituted the criteria or the eligibility of a candidate to be considered for being appointed against the post of Presiding Officer, Labour Court. In that context it was observed:

"6. ... It may be mentioned at the outset that whenever applications are invited for recruitment to the different posts, certain basic qualifications and criteria are fixed and the applicants must possess those basic qualifications and criteria before their applications can be entertained for consideration. The Selection Board or the Commission has to decide as to what procedure is to be followed for selecting the best candidates from amongst the applicants. In most of the services, screening tests or written tests have been introduced to limit the number of candidates who have to be called for interview. Such screening tests or written tests have been provided in the concerned statutes or prospectus which govern the selection of the candidates. But where the selection is to be made only on basis of interview, the Commission or the Selection Board can adopt any rational procedure to fix the number of candidates who should be called for interview. It has been impressed by the courts from time to time that where selections are to be made only on the basis of interview, then such interviews/viva voce tests must be carried out in a thorough and scientific manner in order to arrive at a fair and satisfactory evaluation of the personality of the candidate."

34. Likewise in **Union of India v. T. Sundararaman, 1997 (4) SCC 664** where the eligibility conditions referred to a minimum of 5 years' experience, the selection committee was held justified in shortlisting those candidates with more than 7 years' experience having regard to the large number of applicants compared to the vacancies to be filled. The relevant observations are being extracted below:

"4.Note 21 to the advertisement expressly provides that if a large number of applications are received the Commission may shortlist candidates for interview on the basis of higher qualifications although all applicants may possess the requisite minimum qualifications. In the case of **M.P. Public**

Service Commission v. Navnit Kumar Potdar, (1994) 6 SCC 293 this Court has upheld shortlisting of candidates on some rational and reasonable basis. In that case, for the purpose of shortlisting, a longer period of experience than the minimum prescribed was used as a criterion by the Public Service Commission for calling candidates for an interview. This was upheld by this Court. In the case of *Govt. of A.P. v. P. Dilip Kumar, (1993) 2 SCC 310* also this Court said that it is always open to the recruiting agency to screen candidates due for consideration at the threshold of the process of selection by prescribing higher eligibility qualification so that the field of selection can be narrowed down with the ultimate objective of promoting candidates with higher qualifications to enter the zone of consideration. The procedure, therefore, adopted in the present case by the Commission was legitimate...."

35. Similarly, in *Tridip Kumar Dingal v. State of W.B., 2009 (1) SCC 768* it was held that shortlisting is permissible on the basis of administrative instructions provided the action is bona fide and reasonable. The relevant observations in the judgment are extracted below:

"38. ... The contention on behalf of the State Government that written examination was for shortlisting the candidates and was in the nature of "elimination test" has no doubt substance in it in view of the fact that the records disclose that there were about 80 posts of Medical Technologists and a huge number of candidates, approximately 4000 applied for appointment. The State authorities had, therefore, no other option but to "screen" candidates by holding written examination. It was observed that no recruitment rules were framed in exercise of the power under the proviso to Article 309 of the Constitution and hence no such action could be taken. **In our opinion, however,** even in absence of statutory provision, such an action can always be taken on the basis of administrative instructions-for the purpose of "elimination" and "shortlisting" of huge number of candidates provided the action is otherwise bona fide and reasonable."

36. Another example is in respect of fixing different cutoffs for different subjects having regard to the relative importance of the subjects and their degree of relevance. (24) These instances make it clear that this Court has been lenient in letting recruiting bodies devise an appropriate procedure for successfully concluding the recruitment process provided the procedure adopted has been transparent, non-discriminatory/non-arbitrary and having a rational nexus to the object sought to be achieved."

[(24) *Banking Service Recruitment Board, Madras v. V Ramalingam, (1998) 8 SCC 523*]

19. Further, in *Ramana Dayaram Shetty v. International Airport Authority of India (1979) 3 SCC 489*, it was held that public authorities must act in accordance with the rules and standards they themselves lay down, and cannot

act arbitrarily in a manner that prejudices the candidate. Relevant paragraph of the same is reproduced as under:

*It is a well settled rule of administrative law that an executive authority must be rigorously held to the standards by which it professes its actions to be judged and it must scrupulously observe those standards on pain of invalidation of an act in violation of them. This rule was enunciated by Mr. Justice Frankfurter in **Vitarelli v. Seaton (1959) 359 US 535 : 3 L Ed 2d 1012** where the learned Judge said:*

"An executive agency must be rigorously held to the standards by which it professes its action to be judged.....Accordingly, if dismissal from employment is based on a defined procedure, even though generous beyond the requirements that bind such agency, that procedure must be scrupulously observed.....This judicially evolved rule of administrative law is now firmly established and, if I may add, rightly so. He that takes the procedural sword shall perish with the sword."

20. The respondents also contend that the petitioner misrepresented his employment status in the application form. Even if such an argument is entertained, it cannot operate to deny him a benefit that is independent of departmental relaxation. The OBC age relaxation is a category-based entitlement and is not contingent upon employment in the Central Government. Denying the petitioner this benefit on such an irrelevant technicality would amount to unjust enrichment of the respondents at the cost of the petitioner's lawful rights.

21. This Court observes that the principle of legitimate expectation is squarely attracted in the present case. The petitioner, acting in good faith, applied pursuant to the advertisement, satisfied all prescribed conditions of eligibility, and duly completed the selection process. Having done so, he was entitled to reasonably expect that the benefits and concessions indicated in the advertisement, including age relaxation, would be accorded to him. The subsequent attempt on

the part of the respondents to deny such age relaxation, despite the petitioner having fulfilled all procedural as well as substantive requirements, is arbitrary and runs contrary to the doctrine of legitimate expectation. This view of mine, may be supported by the decision of the Supreme Court in the case of **“Bannari Amman Sugars Ltd. v Commercial Tax Officer (2005) 1 SCC 625”** wherein it was observed that:

“8. A person may have a 'legitimate expectation' of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The expectation may arise either from a representation or promise made by the authority, including an implied representation, or from consistent past practice. The doctrine of legitimate expectation has an important place in the developing law of judicial review. It is, however, not necessary to explore the doctrine in this case, it is enough merely to note that a legitimate expectation can provide a sufficient interest to enable one who cannot point to the existence of a substantive right to obtain the leave of the court to apply for judicial review. It is generally agreed that 'legitimate expectation' gives the applicant sufficient locus standi for judicial review and that the doctrine of legitimate expectation to be confined mostly to right of a fair hearing before a decision which results in negating a promise or withdrawing an undertaking is taken. The doctrine does not give scope to claim relief straightway from the administrative authorities as no crystallized right as such is involved. The protection of such legitimate expectation does not require the fulfilment of the expectation where an overriding public interest requires otherwise. In other words, where a person's legitimate expectation is not fulfilled by taking a particular decision then decision maker should justify the denial of such expectation by showing some overriding public interest.”

22. From a factual and legal standpoint, the petitioner satisfies all requirements: he belongs to the OBC category, falls within the prescribed age limit with relaxation, and has successfully completed the selection process. The respondents’ reliance on extraneous considerations not contemplated in the advertisement has no legal foundation.

Conclusion

23. In light of the above, it is clear that the rejection of the petitioner’s candidature was arbitrary and unsustainable in law. The petitioner is therefore entitled to the benefit of age relaxation applicable to the OBC category and must be considered for appointment in accordance with his merit.

24. Accordingly, the present writ petition is **allowed**.

25. Pending application(s), if any shall be disposed off.

07.03.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No