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

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Date of Decision : 09.01.2026+ **W.P.(C) 313/2026, CM APPL. 1438/2026 & CM APPL. 1439/2026****DHARMENDRA**

.....Petitioner

Through: **Mr. Roshan Kumar and Mr S S Pandey, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Brijesh Kr. Tamber, CGSC, UOI, Ms. Arani Mukherjee, Mr. Prateek Kushwaha, Mr. Vinay Singh Bist and Mr. Aryan Data, Advs. with HC Jitender Kr. Mishra, B.S.F. Mr. Ravinder Agarwal, Mr. Manish Kumar Singh and Mr. Vasu Agarwal, Advs. for R-4/UPSC****CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA J. (ORAL)**

1. The present writ petition is being preferred under Article 226 of the Constitution of India seeking issuance of an appropriate writ, order, or direction calling for the records pursuant to which the Respondents have passed the impugned orders dated 24.02.2025 and 10.03.2025, whereby the Respondents refused to grant extension of time for joining and consequently treated the Provisional Offer of Appointment issued in favour of the Petitioner as lapsed and seeks quashing of the aforesaid impugned orders.



1.1. The Petitioner further seeks issuance of an appropriate writ directing the Respondents to revive the Provisional Offer of Appointment and to permit the Petitioner to join and complete the Assistant Commandant (Direct Entry) Course by exercising the inherent powers vested in them under Rule 13 of the Border Security Force, Group 'A' (General Duty Officers) Recruitment Rules, 2015.

2. The relevant facts, briefly stated, giving rise to the present writ petition are as under:

2.1. The Petitioner appeared in the CAPF (Assistant Commandants) Examination, 2023, conducted by the Union Public Service Commission (UPSC) pursuant to Examination Notice No. 09/2023-CPF dated 26.04.2023, and successfully cleared the said examination, as reflected in the result declared on 05.07.2024.

2.2. Pursuant thereto, Respondent No. 2 issued a Provisional Offer of Appointment dated 09.01.2025, directing the Petitioner to report to the Office of the Director, BSF Academy, Tekanpur, District Gwalior, Madhya Pradesh, on 10.02.2025 (F/N) for joining the Assistant Commandant (Direct Entry) Course, Serial No. 52.

2.3. At the relevant point in time, the Petitioner's younger brother was suffering from a serious cardiac ailment, necessitating urgent and specialised medical intervention. Owing to the said grave medical emergency, the Petitioner, in the first week of February 2025, sought an extension of seven (7) weeks for reporting to the Academy, explaining the exceptional circumstances beyond his control.



2.4. The Respondents, however, vide communication dated 13.02.2025 granted only a limited extension of two (2) weeks, directing the Petitioner to report on or before 24.02.2025 (F/N).

As the medical condition of the Petitioner's younger brother deteriorated and did not respond to treatment at local hospitals, he was urgently shifted to Jaipur, where he was admitted to the Cardiovascular & Thoracic Surgery Department, Sawai Man Singh Hospital, Jaipur, on 24.02.2025, and remained hospitalised till 10.03.2025. In view of these compelling circumstances, the Petitioner on 24.02.2025 was constrained to seek a further extension of two (2) weeks on 24.02.2025.

The said request was rejected on the very same date, i.e., 24.02.2025, on the purported ground that the BSF, Group 'A' (General Duty Officers) Recruitment Rules, 2015 do not contemplate any provision for the grant of further extension. After making alternative arrangements for the medical care of his younger brother, the Petitioner reported at the BSF Academy on 27.02.2025.

2.5. While certain other similarly situated candidates, who had reported late, were permitted to join the course, the Petitioner was denied joining on the ground that his Provisional Offer of Appointment had allegedly lapsed.

2.6. Aggrieved thereby, the Petitioner submitted a detailed representation dated 27.02.2025, seeking revival of his Provisional Offer of Appointment and permission to join the course. The said representation came to be rejected vide order dated 10.03.2025, reiterating the ground of non-availability of any provision for revival under the Recruitment Rules.



2.7. Being aggrieved by the rejection of the representation seeking revival of the lapsed offer of appointment vide impugned order dated 10.03.2025, the Petitioner filed the present writ petition.

3. Learned counsel for the Respondent states that the impugned order dated 24.02.2025 declining any further time to the Petitioner for joining is in conformity with the third proviso to Rule 7(3) of the Border Security Force Group 'A' (General Duty Officers) Recruitment Rules, 2010 ['2010 Recruitment Rules'].

3.1. He states, in terms of Rule 7, the Respondents are not empowered to extend the date of joining beyond a maximum period of six (6) weeks from the date of issuance of the Provisional Offer of Appointment. He states that the Provisional Offer of Appointment was issued on 09.01.2025, pursuant to which the Petitioner was initially granted a period of four (4) weeks to report for joining on 10.02.2025 at the BSF Academy, Tekanpur, Gwalior, Madhya Pradesh. Upon the Petitioner's request, an additional extension of two (2) weeks was granted, expiring on 24.02.2025 and beyond that the Respondent had no discretion to extend the period of joining.

3.2. He states that the petition is barred by delay and laches. He states that the concerned batch has already completed its training and is scheduled to graduate shortly and that grant of any relief to the Petitioner at this belated stage would cause prejudice.

3.3. He states that with respect to the candidates referred to at paragraph 13 of the petition, the Respondent is unable to respond to the said allegation as the Petitioner has failed to specify the date of issuance of the letters of provisional appointment issued to the said candidates. In the absence of the said particulars, the allegation of discrimination is not maintainable.



4. This Court has heard the learned counsel for the parties.
5. The Petitioner is unable to explain the inordinate delay of approximately 11 months in approaching the Court despite having been declined permission to join the Academy on 27.02.2025. On his own showing, the representation of Petitioner was rejected on 10.03.2025. The Petitioner ought to have approached the Court immediately, and the filing of this petition belatedly on 07.01.2026 certainly attracts the bar of delay and laches and disentitles the Petitioner from the reliefs prayed for. As stated by the Respondent, the batch who were called for training in 2023 have completed the training over the past 11 months and therefore, granting permission to the Petitioner would certainly affect the seniority of the candidates who joined within six (6) weeks as per the 2010 Recruitment Rules.
6. On merits, the Petitioner has contended that as per the third proviso to Rule 7(3) of the 2010 Recruitment Rules, the respondent had discretion to extend the period of joining for six weeks from 10.02.2025 i.e., the date of joining. It is contended that respondent has wrongly considered the relevant date for computing six (6) weeks as 09.01.2025 i.e., the date of the provisional appointment letter. The respondent has disputed the aforesaid submission and stated that the relevant date for determining the period of six weeks is 09.01.2025 i.e., the date of provisional appointment letter. The relevant Rule 7(3) reads as under:

*“7. **Seniority.** (1) All officers holding a higher rank shall be senior to the officers holding a lower rank
(2) In a particular rank, seniority of officers appointed to any post shall be determined in accordance with the order of selection for appointment to that post.*



(3) Subject to the provisions of sub-rule (2), inter-se-seniority amongst officers holding the same rank shall be as follows:

(a) seniority of officers promoted on the same day shall be determined in the order in which they are selected for promotion to that rank;

(b) inter-so-seniority of direct recruits shall be arranged in the order of 'combined' merit which shall be determined after adding together the marks obtained by them in the competitive examination conducted by the Union Public Service Commission and the Basic Professional Course of the Border Security Force in the ratio of 50:50:

Provided that in the case of direct recruits, the date of appointment shall be the date of joining the venue as mentioned in the offer of appointment:

Provided further that if two or more officers have secured equal marks in the combined merit, then, their order of merit shall be considered as per the order of their dates of birth:

Provided also that seniority in cases of delay in reporting for training after selection shall be as under:

(A) an offer of appointment issued by the Ministry or Department shall be valid for a period of four weeks from the date for joining mentioned in the offer of appointment after which the offer would lapse automatically.

(B) if, however, within the specified period of four weeks, a request is received from the candidate for extension of time and after due consideration by the Ministry, he may be granted extension for a maximum period of two weeks in addition to the four weeks if facts and circumstances deem it necessary to do so and the candidates who join within a period of six weeks shall have their seniority fixed as per sub-clause (i) of clause(b);

(C) after the grant of extension of two weeks as stated in clause (B), if a candidate fails to report within the stipulated time, (which shall not exceed a period of six weeks), the offer of appointment shall lapse automatically,

(D) an order of appointment which has lapsed, shall not ordinarily be revived, except in exceptional circumstances and on grounds of public interest to be recorded in writing, and only after obtaining the approval of the Ministry;

(E) where the offer of appointment is revived under clause(D), the seniority of candidates concerned shall be fixed above the candidates of the next selection



examination, but, in case, such candidate joins after any of the candidate of the next selection examination has joined, he shall be placed below the last of such candidate;

(F) inter-se-seniority amongst officers of the Indian Police Service, the Army and the Border Security Force shall be determined according to the date of continuous service in that rank;

Provided that where the seniority has already been determined and fixed shall not be affected;”

(Emphasis supplied)

7. The aforesaid Rule is clear that the respondent can grant the maximum period of six (6) weeks to the candidate for reporting for the joining.

8. This Court has also perused the appointment letter dated 09.01.2025, which at paragraph nos. 11 and 12 reads as under:

*“11. If you accept this offer of appointment, report to the Office of the Director BSF Academy Tekanpur, Distt- Gwalior, State-Madhya Pradesh, Pin-475005 on **10-02-2025 (F/N) for Assistant Commandant (Direct Entry) Course Srl No.-52**. You are required to prepare according to the joining instructions for AC (DE) enclosed herewith.*

12. If you fail to join to Office of the Director BSF Academy, Tekanpur, Distt-Gwalior, State-Madhya Pradesh by due date, this offer of appointment will stand cancelled automatically.”

9. The aforesaid Provisional Offer of Appointment was unequivocal in its terms and clearly stipulated that, in the event the Petitioner failed to report for joining on 10.02.2025, the offer of appointment would stand automatically cancelled. The said letter granted the Petitioner a period of four (4) weeks to report for joining pursuant to its issuance on 09.01.2025.



10. It appears that the Petitioner, vide an undated letter¹, sought an extension of seven (7) weeks beyond 10.02.2025 for reporting to the academy. As stated in the writ petition, the said request was considered by the Respondents and was partially acceded to, whereupon a limited extension of two (2) weeks, i.e., upto 23.02.2025, was granted vide communication dated 13.02.2025, directing the Petitioner to report for training on or before 24.02.2025. However, the said letter dated 13.02.2025 has not been placed on record by the Petitioner.

11. The Petitioner failed to report for joining on 24.02.2025 and instead sought a further extension of two (2) weeks vide letter dated 24.02.2025. The said request was rejected by the Respondents on the same date vide communication dated 24.02.2025 (impugned letter No. 2), wherein it was categorically stated that failure to join by the stipulated date would result in the lapse of the offer of appointment.

12. The record demonstrates that the Respondents, through their communications dated 10.02.2025, 13.02.2025, and 24.02.2025, consistently apprised the Petitioner of the strict timelines for reporting for joining as well as the consequences of non-compliance therewith, i.e., lapse of the offer.

13. The submission of the Respondent that the period of joining could not have been extended beyond six (6) weeks is in consonance with the third proviso to Rule 7(3), which expressly limits the maximum permissible joining time to six weeks.

14. The first proviso to Rule 7(3) clearly stipulates that in case of direct recruits the date of appointment shall be the date of joining the venue as

¹Annexed as Document No.5 filed along with the petition.



mentioned in the offer of appointment and therefore, the relevant date for computing the maximum period of six (6) weeks for joining would be reckoned from 09.01.2025, i.e., issuance of the letter of provisional appointment.

15. In view of the aforesaid facts, this Court finds no merit in the present writ petition. The petition is accordingly dismissed both on merits and delay and laches. Pending applications, if any, also stand disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 9, 2026/msh/hp/AJ