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

\+ W.P.(C) 1795/2026

BANSHI DHAR & ORS. .....Petitioners

Through: Ms. Nikita Sharma, Mr. Akshay Mishra and Ms. Deepali Anand, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA & ANR. .....Respondents

Through: Mr. Vikrant Nilesh Goyal, SPC with Ms. Laavanya Kaushik, GP with Mr. Yash Basoya and Ms. Khyaati Bansal, Advocates for R-2.
Mr. Digvijay Rai and Mr. Archit Mishra, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **09.02.2026**

1. This writ petition seeks issuance of a direction to the Respondents to treat the Petitioners as candidates belonging to the Other Backward Classes (Non-Creamy Layer)[1] category on the basis of their OBC certificates and to issue consequential orders pursuant to the selection process undertaken by the Respondents.

2. The factual matrix, in brief, is that Respondent No. 1 issued an advertisement in January, 2025 inviting applications for recruitment to the post of Junior Assistant (Fire Service), prescribing 5th March, 2025 as the last date for submission of online applications. The advertisement

[1] "OBC-NCL"

specifically mandated that all candidates upload their eligibility documents along with the application form. The Petitioners applied under the OBC-NCL category and uploaded OBC-NCL certificates in support of their claim. The advertisement expressly required that the OBC-NCL certificate pertain to the Financial Year 2024-2025, which was to be uploaded along with the application on or before 5th March, 2025. However, Petitioner No. 1 (Banshi Dhar) uploaded a certificate dated 21st December, 2022; Petitioner No. 2 (Ankit Bijarnia) uploaded a certificate dated 14th March, 2024; and Petitioner No. 3 (Aman Nunia) uploaded a certificate dated 12th July, 2022, all of which fell outside the prescribed financial year.

3. The Petitioners thereafter appeared in the Computer Based Test, wherein they secured 88, 83 and 78 marks respectively. The cut-off prescribed for the OBC-NCL category was 70 marks. Having secured marks above the cut-off, the Petitioners were shortlisted and called for document verification. At that stage, Petitioner No. 1 submitted certificates dated 21st July, 2025 and 10th November, 2025; Petitioner No. 2 submitted a certificate dated 22nd April, 2025; and Petitioner No. 3 submitted a certificate dated 24th June, 2025. Upon scrutiny, the Petitioners were declared ineligible on the ground of non-compliance with the stipulated requirement regarding submission of a valid OBC-NCL certificate.

4. Aggrieved, the Petitioners have approached this Court. It is contended that the Petitioners are meritorious candidates, having secured marks well above the prescribed cut-off, and that their OBC-NCL status has remained unchanged over the years. Though they had annexed OBC-NCL certificates pertaining to earlier years with the application form, they have subsequently obtained fresh certificates from the competent SDM certifying that their

non-creamy layer status continues. It is thus urged that their social status being undisputed, a hyper-technical view ought not to defeat their candidature, and a direction be issued to the Respondents to consider them under the OBC-NCL category and permit them to proceed further in the selection process.

5. On the other hand, Mr. Digvijay Rai, Standing Counsel for Respondent No. 1, submits that the Petitioners did not satisfy the conditions expressly stipulated in the advertisement. The cut-off date for submission of the online application, along with all requisite documents, was 5th March, 2025. The advertisement mandated that candidates seeking reservation under the OBC-NCL category must upload a certificate issued in the prescribed format during the Financial Year 2024-2025, *i.e.*, between 1st April, 2024 and 31st March, 2025. However, the certificates uploaded by the Petitioners along with their application forms were issued outside the aforesaid time-frame. He further submits that, at the stage of document verification, the Petitioners sought to rely upon certificates different from those initially uploaded, and even the subsequently produced certificates were not issued within the stipulated financial year. It is thus submitted that the rejection of the Petitioners' candidature was in adherence to the terms of the advertisement and does not warrant interference.

6. This Court has considered the rival submissions and perused the material on record. At the outset, it is apposite to refer to the relevant stipulations contained in the recruitment advertisement governing the submission of OBC-NCL certificates. Clause 9 of the advertisement, which deals with submission of the online application, specifically required candidates to upload all relevant eligibility documents at the time of

submission of the application form, including the Community/Caste (SC/ST/OBC-NCL/EWS) certificate. Further, sub-clause 12 of Clause 14 (General Instructions) stipulated the requirement to produce the OBC-NCL certificate at the stage of document verification in the following terms:

> *"12. The OBC Candidates availing reservation will have to produce* ***valid original OBC CERTIFICATE with "NON CREAMY LAYER STATUS" (LATEST)*** *in the prescribed format issued by the Government of India issued during* ***FY 2024-25*** *along with self- attested copy of the same at the time of documents verification failing which his/her candidature shall be cancelled and he/she will not be considered for further selection process. 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."*

7. A plain and conjoint reading of the aforesaid clauses leaves no manner of doubt that submission of a valid OBC-NCL certificate issued in the prescribed format during the Financial Year 2024-2025 was a mandatory eligibility requirement. The certificate was required to be uploaded along with the application form submitted on or before 5th March, 2025, and its authenticity was to be verified at the stage of document verification. The advertisement further made the consequence of non-compliance explicit, namely cancellation of candidature and exclusion from further participation in the selection process.

8. The underlying rationale for insisting upon the production of a valid OBC-NCL certificate pertaining to a specific financial year needs emphasis. The concept of exclusion of the "creamy layer" from the ambit of OBC reservation was evolved to ensure substantive equality within the backward classes. The object is not merely to classify individuals on the basis of caste, but to ensure that the benefits of reservation reach those who are socially

and economically disadvantaged. In this context, reference may be made to the decision of a Coordinate Bench of this Court in ***Ravi Kumar v. All India Institute of Medical Sciences***,[2] wherein it was observed:

> *"65. A conspectus of the aforementioned decisions would show that the need for exclusion of the creamy layer from the eligibility criterion for OBC reservation had arisen to bring a factual equality amongst the OBCs, rather than a superficial categorisation based solely on the caste. The decision in the case of Indra Sawhney (supra) recognises the fact that amongst the OBCs, there exists an opulent class which does not require any form of affirmative action. The underlying idea is to uplift a class and not just the selected individuals within a class.*
> *66.* ***Axiomatically, the OBC-NCL certificate is issued by the competent authority on the basis of the income of the applicant in the preceding three financial years and is valid for a particular financial year. Therefore, undisputedly, the OBC-NCL certificate is substantially correlated with a financial year rather than a random timeframe. As a natural corollary, an authority asking for the OBC-NCL certificate should reasonably keep the cut-off date of issuance in line with a particular financial year. A deviation from the said position not only creates confusion and uncertainty but, at times, also deprives deserving candidates of the benefit of reservations.*** *In the present case as well, it is the admitted position that the respondent was not obliged to follow a particular timeframe and thus, it went on to adopt its own timeframe, without any intelligible basis."*

9. The above exposition makes it clear that the insistence upon a certificate issued within a specified financial year is not an empty formality. It ensures contemporaneous verification of the candidate's non-creamy layer status and aligns the eligibility determination with the financial year-based assessment mechanism adopted by the competent authorities. Hence as per the recruitment advertisement, the OBC-NCL certificates must have been issued during FY 2024-2025, *i.e.*, between 1st April, 2024 to 31st March, 2025.

10. In the face of this stipulation, the Petitioners uploaded certificates

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[2] 2024 SCC OnLine Del 6737.

issued on 21st December, 2022, 14th March, 2024 and 12th July, 2022, all of which fall outside the prescribed financial year. At the stage of document verification, they were required to produce a copy of the certificates corresponding to those uploaded, so as to enable verification of their eligibility within the stipulated time-frame. However, the certificates produced at verification were not identical to those initially uploaded. Instead, the Petitioners relied upon fresh certificates issued on 21st July, 2025; 10th November, 2025; 22nd April, 2025; and 24th June, 2025, which also did not fall within FY 2024-2025.

11. Document verification necessarily entails authentication of the very documents submitted along with the application form within the cut-off date. Once the certificates produced were both different and outside the prescribed financial year, the Respondents had no occasion to verify a compliant certificate relatable to the relevant date. The deficiency thus persisted at both stages, and the rejection of candidature was the natural consequence of non-fulfilment of a clearly notified eligibility condition.

12. At this belated stage, the Petitioners cannot be permitted to place on record fresh documents to cure the deficiency. Even otherwise, these documents, as noted above were also not in conformity with Clause 14(12) of the recruitment advertisement. Any indulgence would, in the opinion of this Court, compromise the integrity of the recruitment process. It has been specifically pointed out by Mr. Rai that, apart from the present Petitioners, 67 candidates who had submitted deficient or incorrect OBC-NCL certificates did not even appear for document verification. Further, 68 candidates who had submitted incorrect certificates did appear at the stage of verification and sought permission to substitute their certificates; however,

such substitution was not permitted, as the recruitment process did not contemplate replacement of documents after the prescribed stage.

13. In these circumstances, extending a special concession to the Petitioners would result in unequal treatment *vis-à-vis* similarly situated candidates and would amount to rewriting the terms of the advertisement. Since the Petitioners failed to submit the requisite OBC-NCL certificates within the prescribed timeline, and the certificates subsequently produced also do not satisfy the stipulated requirement, no relief can be granted to them.

14. In light of the foregoing, the petition is dismissed.

SANJEEV NARULA, J

FEBRUARY 9, 2026
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