



\$~9

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

+ **W.P.(C) 1970/2023, CM APPL. 7536/2023**

BALAJI G

.....Petitioner

Through: Mr. Abhimanyu A. Walia,
Mr. Kamakshraj Singh and Mr. Aryan
Malik, Advocates.

versus

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
AND ANR.**

.....Respondents

Through: Mr. Rajesh Chaudhary, Advocate for
R-1.
Mr. Ranvir Singh, SPC for R-2.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
20.02.2026

%

1. The Petitioner applied for the post of Technical Officer pursuant to Advertisement No. DR-02/2019 dated 26th March, 2019 issued by the Food Safety and Standards Authority of India (Respondent No. 1/FSSAI). He was declared successful in the selection process and was issued an appointment letter dated 10th March, 2021.
2. The Petitioner joined service on 15th February, 2021. The appointment letter dated 10th March, 2021 stipulated that the appointment was on probation for a period of two years from the date of joining and was provisional, subject to verification of educational qualifications and other certificates.
3. The advertisement stipulated that candidates were required to ensure



that they fulfilled the prescribed eligibility conditions for the post. The essential educational qualification, to be possessed as on the closing date of applications i.e., 25th April, 2019, were stipulated as follows:

“Master Degree from a recognized University or Institution in Chemistry or Biochemistry or Food Technology or Food Science & Technology or Food & Nutrition or Edible Oil Technology or Microbiology or Dairy Technology or Agricultural or horticultural Sciences or Industrial Microbiology or Toxicology or Public Health or Life Science or Biotechnology or Fruit & Vegetable Technology or Food Safety & Quality Assurance,

OR

PG Diploma of atleast one year duration in Food Safety or Food Science or Food Processing or Quality Assurance in Food sector or Dietetic and Public Health or Nutrition or Dairy Science or Bakery Science or Post Harvest Technology from a Govt. recognized University/ Institute with a condition that candidates who have completed these PG Diploma courses, must have studied anyone of following subjects at their Bachelor's degree level i.e. Chemistry or Biochemistry or Food Technology or Food Science & Technology or Food & Nutrition or Edible Oil Technology or Microbiology or Dairy Technology or Agricultural or horticultural Sciences or Industrial Microbiology or Toxicology or Public Health or Life Science or Biotechnology or Fruit & Vegetable Technology or Food Safety & Quality Assurance or Food Processing Technology or Fruit & Vegetable or Medicine or Veterinary sciences or Fisheries or Animal Sciences”

OR

BE or B.Tech in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Food Process Engineering or Food Processing Technology or Fruit & Vegetable Technology or Food Safety & Quality Assurance or Bachelor's degree (not less than four years duration) in Medicine or Veterinary sciences or Fisheries or Animal Sciences.

Desirable: Graduate Aptitude Test Engineering or Council of Scientific and Industrial Research or Indian Council of Agricultural Research National Eligibility Test.

Note 1: Qualifications are relaxable at the discretion of the competent authority in the case of candidates otherwise well qualified.”

4. Respondent No. 1 also issued a set of Frequently Asked Questions (FAQs), wherein it was clarified that only those candidates who fulfilled the prescribed educational qualification as on the closing date of applications were eligible to apply.



5. The Petitioner submitted his online application representing that he had completed B.Tech in Food Technology from Anna University, Chennai and possessed the requisite essential qualification. He cleared the written examination and thereafter the interview, and was selected for appointment to the said post. In support of his eligibility, the Petitioner furnished a letter dated 25th August, 2021 issued by the Head of Department, Department of Biotechnology, Anna University, certifying that his curriculum had been completed on 29th March, 2019 and that he was eligible to apply for employment/higher studies.

6. FSSAI, by communication dated 2nd December, 2021, sought clarification from the Registrar, Anna University, as to whether the Petitioner had passed the 8th Semester examination of B.Tech (Food Technology) on or before 25th April, 2019. In response, the Registrar, by communication dated 31st December, 2021, stated as under:

“This is to inform that Mr. Balaji G. (Reg. No: 2015304006) was a student of Department of Biotechnology, A.C. Tech Campus, Anna University during the period of 2015-2019 pursuing his B. Tech Food technology programme.

As per the academic schedule for that semester as stated by the circular from Centre for Academic Courses, Anna University dated 21.11.2018, his curriculum was completed on 29.03.2019 (last working day). He has no standing arrears and pending courses as of last working day. He has submitted his project report during the first week of April 2019. Due to administrative reasons, the project evaluation of the B.Tech Food Technology programme was done on 30.04.2019 in which he had passed the Viva-Voice examination (Marks enclosed).

Further, it is to point out that the date mentioned in the Marksheets, Degree certificate denotes the date of printing and is not related to the qualifying date of the candidate.

In the view of above and as per the academic records in read with regulations, it is to state that he has fulfilled the requirements for B. Tech Food Technology in the month of April, 2019 and the five days of your advertisement may be condoned.”



7. Thereafter, FSSAI sought further clarification from the University regarding the date on which the Petitioner became eligible for award of the degree. The University responded as under:

“This is to inform that Mr. Balaji G. (Reg. No: 2015304006) was a student of Department of Biotechnology, A.C. Tech Campus, Anna University during the period of 2015-2019 pursuing his B. Tech Food technology programme.

As per the academic schedule for that semester as stated by the circular from Centre for Academic Courses, Anna University dated 21.11.2018, his curriculum was completed on 29.03.2019 (last working day). He has no standing arrears and pending courses as of last working day. He has submitted his project report during the first week of April 2019. Due to administrative reasons, the project evaluation of the B.Tech Food Technology programme was done on 30.04.2019 in which he had passed the Viva-Voice examination.

As per the clause 14.1 (i) of REGULATIONS 2015 (R2015) of B.E/B.Tech Programmes offered at University Departments of Anna University,

“A student shall be declared to be eligible for the award of the B.E. I B. Tech. Degree provided the student has Successfully gained the required number of total credits as specified in the curriculum corresponding to the student's programme within the stipulated time”.

Accordingly, he has become eligible for the award of Degree from 30.04.2019, though the dates of results declaration and Convocation are liable with administrative processes also.

Further, it is to point out that the date mentioned in the Marksheets, Degree certificate denotes the date of printing and is not related to the qualifying date of the candidate.

In the view of above and as per the academic records in read with regulations, it is to state that he has fulfilled the requirements for B. Tech Food Technology in the month of April, 2019 and the five days of your advertisement may be condoned”

8. In view of the clarification furnished by the University, FSSAI formed the opinion that the Petitioner did not possess the requisite qualification of B.Tech as on the closing date, i.e., 25th April, 2019. Accordingly, a show cause notice dated 7th September, 2022 was issued to the Petitioner calling upon him to explain why his appointment should not



be cancelled. Upon consideration of the Petitioner's reply, FSSAI concluded that he was not eligible for the post of Technical Officer in terms of the advertisement, and consequently terminated his appointment by order dated 19th January, 2023, to the following effect:

"As per Advertisement No. DR-02/2019 dated 25 March 2019 released by FSSAI, only those candidates who were meeting the requirement of educational qualification as on the closing date of application Le 25.04.2019 were eligible to apply against the above said advertisement.

WHEREAS, Mr. Balaji G was issued offer of appointment No. E-12013/03/2019/HR(Vol-1)/Pt.1/177 dated 21 Jan 2021 to the post of Technical Officer in FSSAI subjected to the terms and condition stipulated therein.

WHEREAS, Mr. Balaji G submitted an undertaking dated nil regarding his eligibility to the post of Technical Officer wherein he undertook that he completed his course before the closing date of application and acquired the requisite essential qualifications for the post of Technical Officer as mentioned by FSSAI He also submitted to furnish all the essential documents that he has completed required educational qualifications within the closing date of application in 25.04.20219 and will submit within one week. Accordingly, Mr. Balaji G was provisionally appointed to the post of Technical Officer wef 15-02-2021(F/N) vide this office Appointment Letter dated 10 March 2021 subjected to the terms and condition stipulated therein.

WHEREAS, in support of his undertaking, Mr. Balaji G submitted a certificate issued by Head, Department of Biotechnology, Anna University, Chennai-600025 stating that curriculum of Mr. Balaji G was completed on 29.03.2019 and he became eligible for applying jobs/higher studies. Further, Mr. Balaji G again submitted a certificated issued by Deputy Controller of Examinations, A.C. College & Technology Campus, Anna University, Chennai-600025 and Additional Controller of Examination (University Departments), Anna University, Chennai-600025 stating that curriculum of Mr. Balaji G was completed on 29.03.2019 (last working day) and Mr. Balaji G fulfilled the requirements for B. Tech Food Technology in the month of April, 2019.

WHEREAS, HR division had requested Registrar (c), Anna University to confirm whether Mr. Balaji G had passed 8th Semester exam of B. Tech Food Technology on/before 25th April 2019 or not in reference of that Registrat (Vc), Anna University vide his certificate has intimated that Mr. Balaji G became eligible for the award of Deges from 30.04.2019.

WHEREAS, a Show Cause Notice dated 7th September, 2022 was issued to Mr. Balaji G stating that why his appointment may not be



cancelled due to furnishing of false undertaking and failure to produce requisite-documents to sanctify his eligibility to the post of Technical Officer.

WHEREAS, Mr. Balaji G submitted his reply on 12th September, 2022 to the Show Cause Notice which has been duly considered and has been observed that Mr. Balaji G couldn't produce any new facts and documents to sanctify his eligibility to the post of Technical Officer and therefore, it is concluded that he is not eligible for the post of Technical Officer.

Hence, appointment of Mr. Balaji G to the post of Technical Officer in FSSAI is hereby terminated with terms of conditions laid down in Offer immediate effect E-12013/03/2019/HP(Vol-II)/PT./177 dated 21 Jan 2021 and Appointment Letter dated 10 March 2021."

9. Counsel for the Petitioner submits that the Petitioner had completed his course well before the cut-off date, which is evident from the letter dated 25th August, 2021 certifying that his curriculum was completed on 29th March, 2019 and that he was eligible to apply for employment/higher studies. It is contended that, upon completion of the curriculum and in the absence of any arrears, the Petitioner had, for all practical purposes, completed the B.Tech (Food Technology) programme prior to the cut-off date. It is further submitted that the University, by communication dated 1st November, 2021, also confirmed that the Petitioner had fulfilled the requirements of B.Tech in the month of April, 2019. The relevant extract of the said communication is reproduced below:

"This is to inform that Mr. Balaji G. (Reg. No: 20153040061 was a student of Department of Biotechnology, A.C. tech Campus, Anna University during the period of 2015-2019 pursuing his 8. Tech Food technology programme.

As per the academic schedule for that semester as stated by the circular from Centre for Academic Courses, Anna University dated 21.11.2018, his curriculum was completed on 29.03.2019 (last working day). In the view of above and as per the academic records submitted by the Department of Biotechnology, it is to state that he has fulfilled the requirements for B. Tech Food Technology in the month of April, 2019."



10. He submits that, in the aforesaid circumstances, treating 30th April, 2019, the date of the viva voce examination, as the date of acquisition of qualification amounts to adopting a hyper-technical approach. It is contended that the Petitioner had disclosed all relevant particulars and that there was no concealment or misrepresentation on his part.

11. Counsel further submits that, in any event, the Petitioner has since secured alternative employment. In view thereof, the relief of reinstatement and consequential benefits which were originally sought, are no longer being pressed. The Petitioner now confines his relief to issuance of an experience certificate for the period he served the Respondent, which would sufficiently redress his grievance.

12. In view of the fact that the challenge to the termination on merits is not pressed, the Court has heard counsel for the parties on the limited relief now sought. At this stage, it may only be observed that the date on which, according to the University, the Petitioner became eligible for award of the B.Tech (Food Technology) degree was five days after the cut-off date. The Petitioner had served the Respondent for nearly two years. There is also no allegation of concealment or suppression of material facts on his part. The material placed on record indicates that the University had certified him to be eligible to apply for employment. The FAQs annexed with the advertisement also contained the following clarification:

9.	<i>Whether final year students can apply?</i>	<i>Only those candidates who are meeting the requirement of educational qualification as on the closing date of application i.e 25.04.2019 are eligible to apply.</i>
----	---	---



13. The aforesaid clarification indicates that while candidates were required to possess the prescribed qualification as on the cut-off date, final year students were not per se barred from applying. In the present case, the material on record suggests that, if at all, the issue arose on account of a bona fide misunderstanding regarding the precise date of acquisition of the qualification.

14. Having regard to the fact that the Petitioner does not press the challenge to the termination on merits, has since secured alternative employment, and had rendered service to the Respondent for nearly two years, this Court considers it appropriate to direct Respondent No. 1 to issue an experience certificate to the Petitioner for the period he served the Respondent on probation.

15. The petition is disposed of in the above terms. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 20, 2026

nk