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

+ **W.P.(C) 3065/2026, CM APPL. 14795-14796/2026**

DAVID KUMAR

.....Petitioner

Through: Mr. Yogendra Kumar Verma,
Dr. Jyoti Verma, Mr. Jayesh Kain and
Mr. Arun Kumar Assija, Advocates.

versus

**OFFICE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE
(HQS) & ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with Mr. N.K.
Singh, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.03.2026

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1. This writ petition seeks setting aside of cancellation letter dated 26th December, 2025 and rejection letter dated 17th February, 2026 issued by the Respondents, cancelling the Petitioner's candidature under the Other Backward Classes¹ (Non-Creamy Layer)² category.

2. The Petitioner states that he belongs to the "Jogi" community, recognized as OBC by the Government of NCT of Delhi, and that he has held an OBC certificate since 26th April, 2010. He applied under the OBC (Delhi) category pursuant to Advertisement No. 01/2024 issued through

¹ "OBC"

² "NCL"



Respondent No. 2/ Delhi Subordinate Services Selection Board.³ He cleared all four stages of the selection process and was issued an appointment letter dated 17th April, 2025. He thereafter produced a Non-Creamy Layer certificate dated 9th May, 2025 pertaining to the financial year 2023-24.

3. Mr. Yogendra Kumar Verma, counsel for the Petitioner, contends that despite the Petitioner's undisputed substantive eligibility, his candidature was cancelled solely because the certificate 9th May, 2025 bears a date subsequent to the cut-off date, *i.e.*, 8th February, 2024. According to him, this reduces a matter of genuine eligibility to one of technical form.

4. Counsel further submits that the requirement of producing the NCL certificate by a particular date is, in the facts of the present case, merely procedural and cannot be permitted to defeat a legitimate claim to reservation. The submission is that reservation does not flow from the date printed on a certificate, but from the social and economic status of the candidate. The certificate is only evidentiary of that status. Once the Petitioner, in fact, belonged to the OBC category and remained within the non-creamy layer for the relevant period, delayed issuance of the certificate could not have been treated as extinguishing his entitlement. It is urged that a procedural lapse of this nature stood cured when the Petitioner furnished the certificate pertaining to the relevant financial year.

5. Reliance is placed on the decision of the Supreme Court in ***Ram Kumar Gijroya v. DSSSB***,⁴ to contend that delayed submission of an OBC-NCL certificate cannot, by itself, be a ground to deny reservation where the candidate otherwise belongs to the reserved category and satisfies the

³ "DSSSB"

⁴ (2016) 4 SCC 754.



substantive criteria. It is submitted that courts have repeatedly adopted an approach that advances the constitutional objective of social justice rather than allowing it to be defeated by undue insistence on technical compliance. On that basis, it is argued that where caste status is undisputed and income eligibility is also not in question, the delayed issuance of the certificate ought to be treated as a curable defect and not as a ground to annul an otherwise valid selection.

6. Counsel further contends that the cancellation order is unsustainable for being mechanical, disproportionate, and devoid of any real reasoning. According to him, the order proceeds as though the delay in issuance of the certificate is by itself conclusive, without examining whether the Petitioner was, in fact, entitled to the benefit of OBC-NCL reservation. It is stressed that there is no allegation of fraud, concealment, or misrepresentation against him. Nor is it the case of the Respondents that the Petitioner falsely claimed a caste status which did not belong to him, or that he actually fell within the creamy layer. In that situation, cancellation of candidature is an unduly harsh consequence, particularly after the Petitioner had already cleared the entire selection process and had been issued an appointment letter. It is thus submitted that the impugned action is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

7. On the other hand, Mrs. Avnish Ahlawat, Standing Counsel for the Respondent, opposes the petition. She submits that Clause 7 of the subject advertisement/ vacancy notice expressly provided that the candidate was required to be in possession of the necessary certificate in support of the claim at the time of filling the online application. The last date for submission of applications, *i.e.*, 8th February, 2024, was the cut-off date for



availing any benefit under the advertisement. She further submits that it was specifically stipulated that candidates belonging to the OBC category were required to furnish an NCL certificate if their caste certificate had been issued in the preceding financial year(s), and that such NCL certificate must have been issued by the competent authority prior to the prescribed cut-off date.

8. Mrs. Ahlawat also relies on the Petitioner's own reply dated 5th July, 2025, in which he stated that he had applied for the NCL certificate in the first week of May, 2025, that is to say, long after 8th February, 2024. Thus, the Petitioner never satisfied the eligibility condition for availing OBC-NCL benefit under the advertisement.

Discussion and Reasons

9. The vacancy notice/ advertisement categorically stipulated that the candidates had to submit their online applications by 8th February, 2024 (till 4:00 PM). Further, Clause No. 7 prescribed the criteria for availing reservation benefits to the following effect:

"7. RESERVATION BENEFITS:

(i) Reservation benefits will be available to the SC/ST/OBC/EWS/PwBD/ESM & other special category candidates in accordance with the extant Instructions / Orders / Circulars issued from time to time by the Govt. of India and Delhi District Courts Establishment Rules, 2012. The candidate has to select the particular category when applying online for the Post. They should be in possession of necessary certificate in support of their claim at the time of filling of the online application. No request for change of Category will be entertained at any later stage.

(ii) The Board will make shortlisting of candidates in pursuance to the vacancies reported for various posts by District & Sessions Courts and Family Courts. The Board does not have any role in deciding the number of vacancies in any of the court. Implementation of reservation policy, maintaining reservation roster and earmarking of vacancies amongst different categories fall under the domain of the District & Sessions



Courts and Family Courts.

(iii) The cut off date will be the closing date of application i.e. 08/02/2024 for ascertaining the eligibility of the Candidates for extension of any benefits wherever applicable.

(iv) OBC reservation benefit shall be given to only those candidates who are in possession of OBC Certificate issued by the Competent Authority of the Govt. of NCT of Delhi for the caste recognized as OBC by the Government of NCT of Delhi. Candidates belonging to OBC category would be required to submit the non- creamy layer (NCL) certificate issued from the Competent Authority of the Govt. of NCT of Delhi in case his/her Caste Certificate was issued in the previous financial year(s). The NCL certificate should have been issued before cut off date by the Competent Authority of Govt. of NCT of Delhi, which has issued the OBC Caste Certificate. OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category."

10. The matter must, at the threshold, be tested against the terms of the recruitment notice itself. This is not a case where the advertisement was silent and the authority later sought to import a condition from outside its four corners. The stipulation here was express and unambiguous. Clause 7(i) required the candidate to select the relevant category at the stage of online application and to be in possession of the certificate necessary to support that claim at the time of filling the application form. Clause 7(iii) fixed 8th February, 2024 as the cut-off date for determining eligibility for extension of any such benefit. Clause 7(iv), in terms, provided that where the caste certificate had been issued in an earlier financial year, the candidate claiming OBC reservation would be required to submit an NCL certificate issued by the competent authority of the Government of NCT of Delhi, and that such certificate should have been issued before the cut-off date. The scheme of the advertisement, therefore, left no room for doubt. For claiming the benefit of reservation under the OBC-NCL category, the candidate had to hold the requisite certificate on or before 8th February, 2024. The Petitioner did not satisfy that condition.



11. Although he did apply under the OBC category, the OBC-NCL certificate furnished by him at the stage of document verification was dated 9th May, 2025 pertaining to the financial year 2023-24. On its face, therefore, the certificate was issued well beyond the cut-off date of 8th February, 2024. That, however, is only one part of the matter.

12. What places the issue beyond genuine controversy is that by communication dated 30th June, 2025, the Petitioner was specifically asked to inform the authorities whether he had applied for the NCL certificate before 8th February, 2024 and, if so, to furnish legitimate proof thereof. In reply dated 5th July, 2025, the Petitioner stated that he had applied for the OBC-NCL certificate for the financial year 2023-24 in the first week of May, 2025. He also asserted that his family income had remained below eight lakh rupees per annum for more than twenty years, furnished an affidavit to that effect, and requested that the certificate dated 9th May, 2025 be considered for the recruitment process.

13. The significance of this reply cannot be understated. This is not a case where the Petitioner had applied within time and the certificate was issued because of administrative delay at the hands of the issuing authority. Nor is it a case of marginal delay. On the Petitioner's own showing, the application for the relevant NCL certificate was made only in May 2025, that is to say, more than a year after the cut-off date. The Petitioner, therefore, cannot place himself in the class of candidates who had done all that was required of them within time but were prejudiced by delay beyond their control.

14. The legal position on this distinction has now been authoritatively



clarified. In *Sakshi Arha v. Rajasthan High Court*,⁵ the Supreme Court drew a sharp distinction between caste status by birth, such as SC/ST status, and the position of OBC-NCL candidates, whose entitlement is conditioned by social and economic status and is therefore liable to annual or periodical verification. The Court held that, unlike SC/ST status, OBC-NCL status is not static in the same sense, and a valid certificate at the relevant time matters. It also held, while dealing with *Ram Kumar Gijroya*, that the ratio of that decision cannot assist candidates who did not possess a valid certificate at the relevant time and who cannot even contend that they had applied for one earlier but suffered only from delayed issuance at the hands of the competent authority. Therefore, the Petitioner's reliance on *Ram Kumar Gijroya* does not advance the matter. Even assuming that judgment continues to hold the field in cases properly falling within it, the later decision in *Sakshi Arha* explains why it does not govern a case of the present kind.

15. Further, the Petitioner's submission that the claim to reservation belongs to the community and not to the certificate is only partly true, and in the present context, not enough. His caste identity may not be in dispute. But his claim to OBC-NCL reservation is not exhausted by caste identity alone. The "non-creamy layer" component is crucial. It is a substantive eligibility condition, and its satisfaction must be established in the manner and within the time contemplated by the recruitment notice.

16. The Petitioner also urged that there is no allegation of fraud, concealment, or misrepresentation. While that may be true, the absence of fraud does not create eligibility where the recruitment notice required a

⁵ 2025 INSC 463.



condition to be satisfied by a defined date and the candidate failed to satisfy it. Nor can the Court recast an express stipulation after the event, merely because the candidate later secured the certificate and had otherwise performed well in the selection process. To do so would not be an act of liberal interpretation; it would amount to rewriting the rules of the recruitment after the game has been played.

17. The submission that the cancellation order is non-speaking also does not persuade the Court. The controversy here turned on one short and determinative fact: whether the Petitioner had obtained, or at least applied for, the requisite NCL certificate by the cut-off date, *i.e.*, 8th February, 2024. The Respondents put him to notice on that issue. He replied. His own response disclosed that the application for the certificate had been made only in May 2025. Once that position stood admitted, the reason for cancellation was self-evident. The order may be brief, but brevity in such a case is not the same as arbitrariness.

18. The writ petition is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

MARCH 11, 2026

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