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

+ W.P.(C) 505/2026, CM APPL. 2415/2026 and CM APPL. 2416/2026

ALL INDIA INSTITUTE OF MEDICAL SCIENCE (AIIMS)

.....Petitioner

Through: Mr. Sumit Chander, Mr.
Gurdeep Chauhan, and Ms.
Mahak Dua, Advs.

versus

PRAVEEN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

15.01.2026

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1. Through this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner assails the correctness of the Impugned Order passed by the Central Administrative Tribunal on 01.07.2025.

2. The Respondent, pursuant to a Recruitment Notice, applied for the post of Pharmacist. He appeared in the Entrance Examination held on 27.03.2023 and qualified the said exam with first rank with OBC (Non-Creamy Layer) Category with 64 marks and was provisionally selected for the post. However, his document verification could be done only after a long delay in May 2023.

3. The Petitioner had submitted the first OBC (NCL) Certificate which was issued to him in the year 2015, also which was renewed for the year 2023-2024 on 21.04.2023. He also produced a letter dated 10.05.2023 issued by the Sub-Divisional Magistrate Alipur Division



clarifying that the Respondent existed in the category of Non-Creamy Layer during the financial year 2022-2023. However, the Respondent's candidature was rejected by the Petitioner on the strength of Clause 11 of the Recruitment Notice, which reads as under:-

*"11. Candidates applying under any of the reserved category viz. SC/ST/OBC will be considered subject to submission of valid Caste certificate on a prescribed format issued by the competent authority. The vacancies are being advertised in financial year 2022-2023, therefore, valid NCL-OBC certificate issued during the period from 1.4.2022 to 31.3.2023 will be considered valid. Candidature who have NCL-OBC certificate issued before or after this period (i.e. 1.4.2022 to 31.3.2023), will not be considered valid for this advertisement. Candidates applying under OBC category must produce the valid caste certificate in the format provided by the DoP&T vide O.M. No. 36036/2/2013-Estt.(Res.) dated 30.05.2014 and further clarification issued by DoP&T vide OM No. 36036/2/2013-Estt.(Res.-I) dated 31.03.2016. Certificate must be valid for employment in Central Government Institutions. **OBC candidate's eligibility will be based on Castes borne in the Central List of Govt. of India.** Their Sub-caste should also match with the entries in Central List of OBC, failing which their candidature as OBC candidate will not be considered. They will however be treated as UR candidate. The OBC certificate should clearly show that the applicant does not belong to the Creamy Layer."*

4. The Tribunal, after noticing that the status of the Respondent did not change as he was in the Non-Creamy Layer/OBC during the relevant period i.e. 2022-2023, allowed the petition while directing his appointment. The correctness of such order has been challenged by the Petitioner.

5. Learned counsel representing the Petitioner while referring to Clause 11 submits that a valid NCL/OBC Certificate should have been issued during the period from 01.04.2022 to 31.03.2023, and that the certificate issued before or after could not be considered. He submits that the terms of the Recruitment Notice are required to be strictly



applied, and that any deviation therefrom should not be ordered.

6. This Court has considered the submissions as already noticed, the Respondent secured first rank amongst OBCs in the written examination. It is also evident that the Respondent has proved that he continued to be an OBC (Non-Creamy Layer) before, during and after the relevant period.

7. On 10.05.2023, the Office of the Executive Magistrate/Tehsildar, Alipur, Delhi issued a certificate in favour of the Respondent which is extracted as under:-


OFFICE OF THE SUBDIVISIONAL MAGISTRATE (ALIPUR)
GOVERNMENT OF NCT OF DELHI
DM (NORTH), OFFICE COMPLEX, ALIPUR DELHI-110036

F.No.12971/09.05.2023/TEH-AP/NCL/2023-24/ 70523 Dated:- 10/05/2023

TO WHOM IT MAY CONCERN

It is to certify that **PRAVEEN S/O LAXMI NARAYAN R/O H.NO. 464 BAKHTAWAR PUR DELHI 110036** was existed in Non- Creamy layer Category during the Financial Year (01-April-2022 to 31-March-2023) also. It is pertinent to mention that he/she is existing in this Category (NCL) during this financial Year i.e. 2023-24 also. The NCL Certificate to this effect has already been issued to his/her vide **F.No.311/13.04.2023/TEH-AP/NCL/2023-24/143** dated **21/04/2023**, as mentioned in Column 3 of the Schedule to the Government of India, Department of Personal & Training O.M. No. 36012/22/93 Estt.(SCT), dated 8/9/1993 and O.M. No.36033/3/2004 Estt. (res), O.M. NO. 36033/1/2013- Estt. (Res.), dated 9/3/2004, 14/10/2008, 27.05.2013 and 13th September 2017.

The non-creamy layer status of the applicant has been certified based on the self-declaration and Affidavit No. IN-DL03116692735535V provided by the applicant to this effect.

D.A. 


EXECUTIVE MAGISTRATE/ TEHSILDAR
(ALIPUR, DELHI)





8. In substance, the Petitioner does not challenge that the Respondent belonged to NCL OBC Category either before, during or after the relevant period. The only objection is that the certificate was not issued during that year.

9. In the considered view of the Court, such insistence on the part of the Respondent frustrates the very purpose of granting reservation, and that too when the Respondent had successfully proved that he belongs to the aforesaid category and continues to be so. The delay in scrutiny of documents was on the part of the Petitioner because the verification of the documents took place after a long delay in May 2023. In such circumstances, the Respondent cannot be deprived of the appointment by taking a hyper technical view.

10. Moreover, CAT has relied upon various previous orders passed by the Tribunal as well as on the orders passed by the Delhi High Court.

11. In such circumstances, this Court does not find it appropriate to interfere in extraordinary jurisdiction, particularly when the Respondent had secured first rank in the written examination.

12. In view of the above, the present writ petition, along with pending applications, is disposed of

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 15, 2026/sp/kb