

Deepak Kumar & Ors. vs Border Security Force & Anr.

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SooperKanoon Citation : sooperkanoon.com/1259428

Court : Delhi

Decided On : May-02-2026

Judge : Hon'Ble Mr. Justice Anil Kshetarpal, Hon'Ble Mr. Justice Amit Mahajan

Appeal No. : W.P.(C)/3642/2026

Appellant : Deepak Kumar & Ors.

Respondent : Border Security Force & Anr.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment reserved on: 30.04.2026

Judgment pronounced on: 02.05.2026

+ W.P.(C) 17736/2025 & CM APPL. 73299/2025 DEEPAK KUMAR & ORS.Petitioners Through: Mr. Joby P Varghese, Ms. Rashi and Mr. Aby P Varghese, Advs.

versus

BORDER SECURITY FORCE & ANR.Respondents Through: Mr. Vikram Singh Dalal, Senior Panel Counsel alongwith Mr. Pankaj Kumar, and Mr. Satwik Mitra, Advs. + W.P.(C) 3642/2026 & CM APPL. 17769/2026 DEEPAK KUMAR & ORS.Petitioners Through: Mr. Joby P Varghese, Ms. Rashi and Mr. Aby P Varghese, Advs.

versus

BORDER SECURITY FORCE & ANR.Respondents Through: Mr. Syed Abdul Haseeb, CGSC with Ms. Nasreen Khatoon, G.P for UOI with Mr. Muhammad Aamir Khan and Mr. Syed Abdur Rahman, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

JUDGMENT

AMIT MAHAJAN, J.

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1. By the present writ petitions, the Petitioners essentially seek

issuance of a writ in the nature of certiorari thereby setting aside the decision of the Respondents - rejecting the application of the respective Petitioners for consideration to the post of Constable (GD) sports quota - 2025 in the BSF in terms of the advertisement dated 10.10.2025 (in W.P.(C) 17736/2025) and advertisement dated 19.12.2025 (in W.P.(C) 3642/2026).

2. Succinctly stated, the pertinent facts germane to the

adjudication of the present petitions are as follows:

2.1. The Petitioners in the respective petitions are stated to be sportspersons who participated in various junior level National and State Championships organised by various sports federations in India.

2.2. By advertisement dated 10.10.2025, Respondent No. 1 invited online applications towards certain vacancies for the recruitment of meritorious sportspersons to the post of Constable (General Duty) under sports quota 2025 in the BSF. The Petitioners in W.P.(C) vacancies under respective sporting activities, however, despite the commencement of physical and medical examination of the candidates, the Petitioners were not issued admit cards for participation in the selection process. Upon enquiry, the Petitioners learnt that their sports certificates were not acceptable and did not conform to the terms of the advertisement. It is the case of the Petitioners that they fulfilled the eligibility criteria as stipulated under the Advertisement dated 10.10.2025, and that certain similarly situated

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candidates with similar certificates were shortlisted, selected and even appointed as Constable (GD) sports quota by Respondent No. 1. Aggrieved by the same, the Petitioners filed W.P.(C) 17736/2025.

2.3. Similarly, another advertisement dated 19.12.2025 was issued by Respondent No.1 for selection to the post of Constable (GD) under the sports quota - 2025. Thereafter, the Petitioners in W.P.(C) certificates in respect of different sporting activities. The Petitioners herein were also not issued admit cards by Respondent No. 1 to participate in the selection process. Akin to the grievance raised by the Petitioners in W.P.(C) 17736/2025, the Petitioners in W.P.(C) their certificates did not

conform with the conditions stipulated in the advertisement. They further contend that similarly situated candidates have been appointed as Constable (GD) under the previous advertisement. Consequently, the Petitioners filed W.P.(C) 3642/2026.

3. By order dated 24.11.2025, this Court permitted the Petitioners

in W.P.(C) 17736/2025 to participate in the further selection process as sports quota candidates subject to the outcome of the Petition. Vide

order dated 08.04.2026, this Court recorded the submission made on

behalf of the Petitioners in W.P.(C) 17736/2025 that out of 05 Petitioners, 03 Petitioners have been qualified and with respect to the remaining 02 Petitioners, W.P.(C) 17736/2025 is rendered infructuous.

4. The learned counsel for the Petitioners submitted that the

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rejection of the candidature of the Petitioners in the respective petitions is discriminatory and violative of Article 14 of the Constitution of India. He submitted that the Petitioners in the respective petitions meet the eligibility criteria stipulated under the respective advertisements.

5. He submitted that the selective acceptance of certificates from

the same federation for other candidates while rejecting those of the Petitioners is manifestly arbitrary. He submitted that without any verification of the authenticity and recognition of the certificates submitted by the Petitioners, summary rejection of their candidature is wholly arbitrary. He submitted that once Respondent No. 1 previously accepted similar certificates from the same federation for other

candidates who have not only been allowed to participate but have also been appointed, the sudden deviation and exclusion of the Petitioners herein is violative of Article 14 of the Constitution of India.

6. Per contra, the learned counsel on behalf of the Respondents

submitted that the Petitioners were not issued admit cards on account of the non-fulfilment of the conditions stipulated in the advertisements. He submitted that the applications of the Petitioners in W.P.(C) 17736/2025 was rejected during the scrutiny stage in terms of Clause 4 and 4b(iii) of the Advertisement dated 10.10.2025. He submitted that the Sports federation of the respective petitioners in W.P.(C) 17736/2025 which organised the concerned Youth Games and issued the certificates is neither recognised by the Ministry of

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Youth Affairs and Sports as National Sports Federation nor recognised by affiliated member of Indian Olympic Association.

7. He submitted that in the previous recruitment cycle, some

candidates may have been inadvertently considered due to lack of robust verification mechanism, however, the said instances, if at all, were purely inadvertent and do not confer any enforceable right on the Petitioners. He further submitted that the Respondents are examining the veracity of such instances, if any, pertaining to previous recruitments as has been claimed by the Petitioners. He assured that that if any such case comes forth post the verification, appropriate action, wherever warranted, will be taken in accordance with law. He however submitted that the same does not create any right in favour of the present Petitioners whose candidature does not satisfy the stipulated eligibility criteria prescribed in the advertisements. He consequently submitted that the present petitions are liable to be dismissed.

8. Upon considering the rival submissions made by both the

parties, in essence, the grievance of the Petitioners pertains to a denial of opportunity to them to participate in the selection process to the post of Constable (GD) sports quota - 2025. The principal plank of the Petitioners case is one of parity. It has been asserted that the primary ground for the denial of opportunity to the Petitioners was that the certificates submitted by them did not conform to the criteria prescribed in the advertisement, however, several similarly situated candidates with similar certificates were shortlisted and even

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appointed to the said post in the previous recruitment cycle. Consequently, it has been emphasised that the exclusion of the Petitioners is violative of Article 14 of the Constitution of India.

9. Before proceeding further, it will be appropriate to take note of

the certificates adduced by the respective Petitioners, which came to be rejected by the BSF. A chart with the said particulars has been filed by the respective Petitioners in the respective petitions. The relevant details are as under:

W.P.(C) 17736/2025

Name Sports Sports Certificate

Petitioner No. 2 Racewalk 20 17th Youth Games National
Championship- 2025 Km held at Pedem Sports Complex, Mapusa, Goa
in June (Individual 2025 organized by FIT INDIA Youth Games Event)
Development Federation -Goa

Petitioner No. 4 Football 17th National Championship held at Delhi Public School, Uttar Pradesh organized by the National (Team Sports Federation of India Event)

Petitioner No. 5 Football 17th National Championship held at Delhi Public School, Uttar Pradesh organized by the National (Team Sports Federation of India Event)

W.P.(C) 3642/2026

Petitioner No. 1 Shot Put 19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th (Individual December 2025 organized by National Sports Event) Federation of India

Petitioner No. 2 Athletics 19th National Championship- 2025 held at Prakash 5km Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by National Sports (Individual Federation of India. Event)

Petitioner No. 3 Volleyball 19th National Championship- 2025 held at Prakash

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Federation of India.

Petitioner No. 4 Handball 19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th (Team December 2025 organized by National Sports Event) Federation of India.

Petitioner No. 5 Athletics 19th National Championship- 2025 held at Prakash 1500m Sports Academy, Haridwar, Uttarakhand on 27th-28th December 2025 organized by National Sports (Individual Federation of India. Event)

Petitioner No. 6 Hurdle 400m 19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th (Individual December 2025 organized by National Sports Event) Federation of India.

Petitioner No. 7 Volleyball 17th Youth Games National Championship - 2025

held at Pedem Sports Complex, Mapusa, Goa in June

(Team 2025 organized by FIT INDIA Youth Games Event) Development Federation-Goa.

Petitioner No. 8 Handball 19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th (Team December 2025 organized by National Sports Event) Federation of India.

Petitioner No. 9 MSC 3000m 19th National Championship- 2025 held at Prakash Sports Academy, Haridwar, Uttarakhand on 27th-28th (Individual December 2025 organized by National Sports Event) Federation of India.

10. The Petitioners are essentially aggrieved by non-issuance of

admit cards to them on account of the sports certificates produced by them not meeting the eligibility criteria in terms of the respective advertisement.

11. Undisputedly, selection process is guided by the terms

encapsulated in the advertisement. Clause 7 of Advertisement dated 10.10.2025, which is also incorporated in Advertisement dated 19.12.2025, stipulated that candidates will be issued admit cards for recruitment process if their documents are found in order on scrutiny.

12. The order of preference as encapsulated in Clause 4(b)(iii) of

the advertisement dated 10.10.2025 reads as under:

13. The order of preference as encapsulated in Clause 4(b)(iii) of

the advertisement dated 19.12.2025 reads as under:

14. The Respondents have relied on the aforesaid clauses to contest

that for a candidate to be eligible for recruitment, the games ought to be conducted by a Sports Association/Federation which is duly affiliated/ recognised by Indian Olympic Association or by Ministry of Youth Affairs and Sports as National Sports Federation. As submitted by the learned counsel for the Respondents, the certificates submitted by the Petitioners failed to meet the prescribed criteria as their certificates have not been issued by Federations as the same are neither recognised by the Ministry of Youth Affairs and Sports as National Sports Federation nor recognised by/ affiliated member of Indian Olympic Association.

15. Pertinently, the record indicates that on 21.11.2025 in W.P.(C)

the Organisers as to whether the certificates of the concerned Petitioners relate to championships which satisfy the advertised criteria. Pursuant to the same, letter dated 10.12.2025 was issued to Youth Games

Development Federation (through its Founder and General Secretary namely Mr. Jeetendra Gurjar) in this respect. By way of reply dated 11.12.2025, Youth Games Development Federation clarified that the Sports Certificate issued under FIT India- Youth Games National Championship is not recognised by the aforesaid organisations.

16. A similar letter was addressed to National Sports Federation of

India (through its President) on 10.12.2025. By reply dated 10.12.2025, it was clarified that the said organisation is not affiliated

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with the Indian Olympic Association and also not recognised by the Ministry of Youth Affairs & Sports. It was further stated that National Sports Federation of India does not endorse use of the certificates for any selection criteria where Government recognised sports are mandatory.

17. It is however the case of the Petitioners that the stand of the

Respondents is wholly arbitrary as the Respondents have selected several other candidates who possess similar certificates issued by the same sports organizations in previous recruitment cycles.

18. The controversy thus presented by the Petitioners before this

Court is not whether the certificates per se conformed to the conditions stipulated in the criteria but that several similarly situated candidates with similar certificates were shortlisted and appointed in the previous recruitment cycle.

19. In that regard, it is apposite to mention that Article 14 of the

Constitution of India cannot be invoked to perpetuate an irregularity. It has consistently been held that if a benefit has erroneously been conferred, others cannot claim the same benefit as a matter of right. The principle of equality as embodied under Article 14 of the Constitution of India does not provide for a multiplication of errors.

20. In the present case, as argued on behalf of the Respondents, the

ineligibility of the Petitioners finds its genesis from the terms of the advertisement. The argument of parity thus though appears worthy in the first blush cannot stand closer scrutiny.

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21. While this Court cannot ascertain at this stage if similarly

situated candidates were granted appointments in the previous recruitment process, even if this Court were to take the argument of the Petitioners at face value and consider it at the highest that certain candidates with deficient applications were appointed, such appointments, if contrary to the terms of advertisement, would be improper.

22. In that regard, the learned CGSC has fairly stated that the

Respondents are examining the veracity of such instances, if any, relating to previous recruitments as claimed by the Petitioners. It has also been assured that should any such inadvertent or erroneous appointment be found in the previous recruitment process, appropriate action, wherever warranted, would be strictly taken in accordance with law.

23. On such a conspectus of facts, if this Court were to accede to

the prayer made by the Petitioners, it would be akin to countenancing a course of action that is at odds with Article 14 of the Constitution of India.

24. In such circumstances, the Petitioners, in the opinion of this

Court, cannot successfully invoke Article 14 of the Constitution of India to seek extension of parity for an alleged irregular benefit.

25. For the reasons as stated above, the present writ petitions are

devoid of merit and are accordingly dismissed.

26. Pending applications also stand disposed of.

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27. A photocopy of the Order passed today be kept in the connected

matter.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MAY 02, 2026

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