

Shivin Kumar Singh and Ors. vs Union of India and Ors.

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Court : Delhi

Decided On : May-19-2026

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

Appeal No. : W.P.(C)/5165/2026

Appellant : Shivin Kumar Singh and Ors.

Respondent : Union of India and Ors.

Advocate for Pet/Ap. : Mr. Pankaj Mehta, Ms. Shweta Soni, Ms. Akansha Singh, Mr. Apaar Puri, Ms. Simran Mehta, Mr. Kamal Kant Jha, Mr. Aishwarya Deep Singh, Ms. Aakriti, Mr. Ankit Yadav, Ms. Shivangi Gulati, Ms. Aastha Harshwal, Mr. V. Sarvesh Tripathi

Judgement :

\$~90 & 91

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4708/2026 MAYANK YADAVPetitioner Through: Mr. Pankaj Mehta, Ms. Shweta Soni, Ms. Akansha Singh, Mr. Apaar Puri, Ms. Simran Mehta, Advs.

versus

UNION OF INDIA & ORS.Respondents Through: Mr Kamal Kant Jha CGSC with Mr Aishwarya Deep Singh advocate & Ms Aakriti, Advs. with AC Balwant Kumar, INSP Sanjay Kumar, SI Shiv Singh, CT Sandeep Kumar for R-1 to R-3. + W.P.(C) 5165/2026 SHIVIN KUMAR SINGH AND ORS.Petitioners Through: Mr. Ankit Yadav, Ms. Shivangi Gulati, Ms. Aastha Harshwal, Mr. V. Sarvesh Tripathi, Advocates.

versus

UNION OF INDIA AND ORS.Respondents Through: Mr. Nitinjya Chaudhry (CGSC) with Mr. Rahul Mourya Advocate, Mr. Arvind (GP) for UOI. Mr. Ravinder Agarwal, Mr. Manish Kumar Singh and Mr. Vasu Agarwal, Advocates for UPSC.

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CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% 19.05.2026 W.P.(C) 4708/2026

1. Candidature of the Petitioner for the post of Assistant

Commandant with Central Armed Police Forces was rejected on the technical ground of the genuineness of his OBC (Non- Creamy Layer) Certificate being in doubt.

2. Upon verification by the Directorate of ITBP, it has been

reported that the Tehsildar Tundla vide his letter dated 02.02.2026 has confirmed that OBC (NCL) Certificate in question, issued in favour of Mayank Yadav (Petitioner), was issued by his office on 16.05.2023 and the aforesaid Certificate is genuine.

3. In view of the aforesaid clarification, now there is no doubt

regarding the authenticity of the caste certificate.

4. The UPSC has also communicated that the documents

submitted by the Petitioner may be verified by the Nodal Agency that is, ITBP and the Ministry of Home Affairs and Commissions clearance would not be required.

5. A Division Bench of this Court in Raghvendra Singh and Anr.

v. Union Public Service Commission and Anr. : 2025 : DHC 11105 - DB and other connected cases decided on 10.12.2025, concluded as under :- 75. In light of the decisions in, inter alia, Ravi Kumar (supra), Ram Kumar Gijorya (supra), Pushpa (supra), Tej Pal Singh (supra), Hari Singh (supra), Anil Kumar (supra), Indra Sawhney (supra), Mrs. Valsamma Paul (supra), and Anit Kumar Das (supra), this Court finds that the cut-off period stipulated from 01.04.2023 to 26.04.2023 and from 01.04.2024 to 24.04.2024 respectively, is arbitrary. Hence, the prayer assailing Rule 21.2 of the Examination

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Rules issued by the MHA in 2023 and 2024 is allowed. We hold so because:

75.1 The power to stipulate eligibility criteria is not unlimited and cannot be exercised in an arbitrary manner as held in Zahoor Ahmad Rather (supra) and Anit Kumar Das (supra).

75.2 The test under Article 14 of the Constitution of India is not satisfied, i.e., the cut-off date does not have any rational nexus with the object sought to be achieved by way of reservations in public employment.

75.3 The OBC-NCL certificates hold validity for a year, and the petitioners herein have furnished OBC-NCL certificates for the relevant year of examination. Though the stipulated cut-off date for issuance of OBC-NCL falls in between the FY, however, as held in Ravi Kumar (supra), the cut-off period must correspond to the FY.

75.4 The cut-off date in the middle of the FY deprives the petitioners of rights owed to them under Article 16 of the Constitution of India.

75.5 Put differently, the OBC-NCL certificate shall be considered by an appointing/recruiting authority so long as its date of issuance falls within the same FY as that of the examination for which the candidate appears.

76. In view of the aforementioned discussion and considering the

lapse on part of the respondents, along with the OM dated 08.10.2015, this Court deems it appropriate to relax the stipulated cut-off period for issuance of the OBC-NCL certificates. The insistence of the respondents on the cut-off period has deprived otherwise eligible petitioners-candidates and is in the teeth of the affirmative action as envisaged by our Constitution in providing reservation in public employment. Such insistence cannot be allowed to override rights owed to the petitioners under Article 16 of the Constitution of India. In cases of non-supply of the OBC-NCL certificates, the concerned authorities ought to have acted in

furtherance of the directions in the OM dated 08.10.2015, i.e., select eligible candidates on provisional basis subject to verification or themselves verify their status from the concerned authority. Therefore, the respondents are directed to consider the OBC NCL certificates regardless of whether they were issued post the cut- off date as long as they are issued within the relevant FY, i.e., 1st April 2023 to 31st March 2024 and 1st April 2024 to 31st March 2025 respectively. The respondents are further directed to consider the candidature of the petitioners at the respective stages of the selection process subject to verification of the OBC-NCL certificates furnished by them whereby the cut-off date shall not be a factor for disqualification. However, the respondents shall be at

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liberty to test and/or examine the other criteria of eligibility and/or qualification required for appointment of the respective petitioner.

6. The correctness of the aforesaid Judgment has been upheld by

the Honble Supreme Court by dismissing the Special Leave Petition assailing the same.

7. Keeping in view aforesaid position, directions are issued to the

Respondents to consider the Petitioners candidature, in accordance with law, within a period of eight weeks.

8. With these observations, the Order dated 20.02.2025 rejecting

Petitioners candidature is set aside and the Writ Petition is disposed of.
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9. Through this writ petition, the Petitioners pray for issuance of

the writ in the nature of mandamus directing the Respondents to forthwith complete the process of force allocation in respect of the Petitioners, who have been recommended pursuant to the CAPF (Assistant Commandants) Examination, 2024, and to issue consequential joining instructions within a time-bound manner.

10. The Petitioners claim to have been selected for the post of

Assistant Commandants in Central Armed Police Forces. The allocation of specific force was kept in abeyance in order to await the decision of the Division Bench in Raghvendra Singh & Anr. v. Union Public Service Commission & Anr.: 2025:DHC:11105-DB, and connected cases, wherein the following directions were passed: 75. In light of the decisions in, inter alia, Ravi Kumar (supra), Ram Kumar Gijorya (supra), Pushpa (supra), Tej Pal Singh (supra), Hari Singh (supra), Anil Kumar (supra), Indra Sawhney (supra), Mrs. Valsamma Paul (supra), and Anit Kumar Das (supra), this Court finds that the cut-off period stipulated from 01.04.2023 to 26.04.2023 and from 01.04.2024 to 24.04.2024 respectively, is arbitrary. Hence, the prayer assailing Rule 21.2 of the Examination

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Rules issued by the MHA in 2023 and 2024 is allowed. We hold so because:

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75.3 The OBC-NCL certificates hold validity for a year, and the petitioners herein have furnished OBC-NCL certificates for the relevant year of examination. Though the stipulated cut-off date for issuance of OBC-NCL falls in between the FY, however, as held in Ravi Kumar (supra), the cut-off period must correspond to the FY.

75.4 The cut-off date in the middle of the FY deprives the petitioners of rights owed to them under Article 16 of the Constitution of India.

75.5 Put differently, the OBC-NCL certificate shall be considered by an appointing/recruiting authority so long as its date of issuance falls within the same FY as that of the examination for which the candidate appears.

76. In view of the aforementioned discussion and considering the

lapse on part of the respondents, along with the OM dated 08.10.2015, this Court deems it appropriate to relax the stipulated cut-off period for issuance of the OBC-NCL certificates. The insistence of the respondents on the cut-off period has deprived otherwise eligible petitioners-candidates and is in the teeth of the affirmative action as envisaged by our Constitution in providing reservation in public employment. Such insistence cannot be allowed to override rights owed to the petitioners under Article 16 of the Constitution of India. In cases of non-supply of the OBC-NCL certificates, the concerned authorities ought to have acted in furtherance of the directions in the OM dated 08.10.2015, i.e., select eligible candidates on provisional basis subject to verification or themselves verify their status from the concerned authority. Therefore, the respondents are directed to consider the OBC NCL certificates

regardless of whether they were issued post the cut- off date as long as they are issued within the relevant FY, i.e., 1st April 2023 to 31st March 2024 and 1st April 2024 to 31st March 2025 respectively. The respondents are further directed to consider the candidature of the petitioners at the respective stages of the selection process subject to verification of the OBC-NCL certificates furnished by them whereby the cut-off date shall not be a factor for disqualification. However, the respondents shall be at

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liberty to test and/or examine the other criteria of eligibility and/or qualification required for appointment of the respective petitioner.

11. As noted above, the Special Leave Petition filed against the

same has been dismissed by the Honble Supreme Court.

12. Hence, in view of the above judgment passed by the Division

Bench, it emerges that the results will have to be revised, however, it has been informed that another SLP filed against Raghvendra Singh (supra) is pending consideration before the Honble Apex Court.

13. Keeping in view of the aforesaid position, the writ petition is

disposed of by directing the Respondents to proceed with the revision of result in terms of judgment passed in Raghvendra Singh (supra) by the Division Bench of this Court, to be completed within a period of six weeks. After revision of the result, the Respondents will proceed with the process of force allocation within a period of next two weeks after the result is revised.

14. Let the process be started and completed, subject to further

orders which will be passed by the Honble Supreme Court.

15. Pending application(s), if any, also stand disposed of.

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

ANIL KSHETARPAL, J

AMIT MAHAJAN, J MAY 19, 2026 SK /DU

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