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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Judgment reserved on: 05.02.2026**Judgment pronounced on: 13.02.2026**Judgment uploaded on: 13.02.2026*

+ W.P.(C) 15303/2025 and CM APPL. 62744/2025

ANANT KUMAR RAO .....Petitioner  
Through: Dr. Kamini Lau, Ms. Jyoti Vashisht, Ms. Suniti Bhatt and Mr. Rudraksh Jain, Advs.

versus

UNION PUBLIC SERVICE COMMISSION AND ORS.

.....Respondents  
Through: Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal and Mr. Lekh Raj Singh, Advs. for R-1 and R-2/UPSC.  
Mr. Shrey Sharawat, SPC with Mr. Arvind, GP and Ms. Ishita Misra, Adv. for R-3 and R-4.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**JUDGMENT**

**ANIL KSHETARPAL, J.**

1. By invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India, the Petitioner prays for issuance of the writ in the nature of certiorari to quash the Order passed on 23.07.2025 [hereinafter referred to as the 'Impugned Order'] by the Central Administrative Tribunal [hereinafter referred to as 'CAT'] whereby the Original Application preferred by the



Petitioner came to be dismissed and the rejection of his candidature for the post of Prosecutor in the Serious Fraud Investigation Office [hereinafter referred to as 'SFIO'] was upheld.

2. To comprehend the issues involved in the present case, the relevant facts in brief are required to be noticed. Pursuant to Advertisement No. 18/2022 issued by the Union Public Service Commission [hereinafter referred to as 'UPSC'], inviting online recruitment applications [hereinafter referred to as 'ORA'], *inter alia*, for twelve posts of Prosecutor in the SFIO, Ministry of Corporate Affairs, the Petitioner applied for the aforesaid post. As per the Recruitment Notice, the following experience was required for applying to the post of Prosecutor:

**"(B) EXPERIENCE: For Graduate in any discipline plus bachelor's degree in Law Holders:- One year experience in handling litigation & court matters/administration of Law in a Government organization OR For integrated graduate in Law (five years duration) Holders: Two years' experience in handling litigation & court matters/administration of Law in a Government organization. DESIRABLE: (i) Additional one year experience in corporate/criminal law matters. (ii) Masters' in Law (LL.M.) from recognized University or Institute. NOTE-I: The Qualifications are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing, in the case of candidates otherwise well qualified. NOTE-II: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available' to fill up the vacancies reserved for them."**

***(Emphasis supplied)***



3. The last date for submitting the online application was 13.10.2022, whereas 14.10.2022 was the last date for printing the completely submitted online application. The Petitioner submitted his application, disclosing that he holds a five-year integrated degree in law. Under the advertisement, candidates holding such an integrated law degree were required to possess two years' experience in handling litigation and court matters or administration of law in a government organisation, subject to the notes appended thereto. In the Online Recruitment Application (ORA), he disclosed experience in Willard Advisory Pvt. Ltd. for the period commencing from 01.03.2020 to 13.10.2022, *i.e.*, up to the cut-off date of the application, claiming to have a total experience of 2 Years 7 Months 13 days. In the column of nature of duties performed, he disclosed as follows:

*“Nature of Duties Performed:*

*Drafting and negotiating contracts with third parties to address the risks identified and levels of performance required from the third party. The agreements and contracts should include o Memorandum of Understanding o Non- Disclosure Agreement. Non- Complete Agreement o Technology Transfer Agreements. o Freelancing Agreements. o Partnership Agreements. o TPA o Rent. Leave & License. Lease Agreements. o IP Licensing Agreement. o Trademark Filing Application., EULA End User Licensing Agreement. Criminal cases regarding forgery and conspiracy. Actively Drafting and Reviewing Contracts. Corporate Compliance.- Documents. Drafting and Vetting of Wide Variety of Contracts and Other leg.”*

4. Subsequently, the Petitioner also filed, after the cut-off date, certain other certificates showing experience of working in different capacities. The candidature of the Petitioner was rejected for the following reasons:

***“Reasons for rejection:***



*Lacking 02 years Experience of handing litigation & court matters/administration of Law in a Government organization.*

*August 2018 - Sept. 2019 - Worked with Sanjai Kumar Pathak for 01 year 2 Months. The PERIOD OF EXPERIENCE is not admissible as the same has NOT been claimed in ORA Application*

*01.10.2019-30.01.2021 - Working as Associate with Deepak Chauhan & Associates for 01 year 4 Months. Only 11 months experience is admissible and the PERIOD OF EXPERIENCE from 01.10.2019 to 29.02.2020 is not admissible as the same has NOT been claimed in ORA Application*

*31.01.2021 - 13.10.2022 - The PERIOD OF EXPERIENCE is not admissible as No Experience Certificate provided.*

*Oct. 2022 to Dec. 2023 - Working as Associate with Anil Mehta, Additional Advocate General for 01 year 2 Months. The PERIOD OF EXPERIENCE is not admissible as the experience is gained after closing date of application i.e. 13.10.2022. ”*

5. Upon scrutiny of the application and the documents furnished, the candidature of the Petitioner came to be rejected by the UPSC. The reasons communicated for such rejection, *inter alia*, indicated that the petitioner was found lacking the requisite experience. It was further noted that certain periods of experience, though sought to be relied upon subsequently after the cut-off date of the application, were either not claimed in the ORA, were unsupported by admissible certificates as on the cut-off date, or related to periods beyond the closing date of applications.

6. Aggrieved thereby, the Petitioner approached the CAT by filing Original Application. During the pendency of the proceedings, the Tribunal permitted the Petitioner to provisionally participate in the selection process, subject to the outcome of the Original Application, and his result was directed to be kept in a sealed cover. Ultimately,



however, upon consideration of the pleadings and submissions, the Tribunal dismissed the Original Application by the Impugned Order.

7. Heard the learned counsel for the Petitioner at length and, with their able assistance, perused the paper book.

8. Learned counsel representing the Petitioner has submitted that the Petitioner belongs to the Scheduled Tribe (ST) and certificates submitted by him subsequently should have been taken into consideration. She further submitted that the Petitioner ought to have been extended the benefit of relaxation under the notes appended to the advertisement, and that the experience gained by him at Willard Advisory ought to have been treated as sufficient compliance with the experience requirement. It was also urged that the post in question does not mandate actual appearance before courts and that a *bona fide* omission in the ORA should not operate to his prejudice.

9. This Court has duly considered the submissions advanced. In the Recruitment Notice, it was notified that the successful candidate will have to perform the following duties:

***"DUTIES: (i) To assist filing of prosecutions/complaints in all the cases that are investigated-by the SFIO in the concerned courts and pursue their progress. (ii) Coordination with the counsels detailed by the Government. (iii) Maintenance of data-base of court cases. (iv) Any other work assigned from time to time. HQ: New Delhi with All India Service Liability (AISL)."***

10. It is evident that the Petitioner, while submitting the application, had claimed experience only in the company Willard Advisory Pvt. Ltd. As per Annexure 'A' (in terms of the agreement between the



company and the Petitioner), the Petitioner was expected to undertake the following spectrum of work of the Company:

#### **ANNEXURE A**

*The Party of the Second Part hereby agrees to undertake the following spectrum of work for the Company:*

*In addition to traditional consulting services, the Employee is to undertake extensive agreements which may include large complex contracts involving varied avenues of law. This role involves the negotiation of the legal terms and conditions of such contracts; providing a legal analysis of the associated risks; and related advice to address, manage and mitigate the risks identified. The work is complex and requires sound experience in contract law, professional services, contract drafting, intellectual property and the negotiation of large, complex deals.*

- *Drafting and negotiating contracts with third parties to address the risks identified and levels of performance required from the third party. The agreements and contracts should include:*
  - o Memorandum of Understanding.*
  - o Non-Disclosure Agreement.*
  - o Non-Compete Agreements.*
  - o Technology Transfer Agreements.*
  - o Freelancing Agreements.*
  - o Partnership Agreements.*
  - o TPA.*
  - o Rent, Leave & License, Lease Agreements.*
  - o IP Licensing Agreement.*
  - o Trademark Filing Application.*
  - o EULA (End User Licensing Agreement).*
  - o Criminal cases regarding forgery and conspiracy.*
- *Actively Drafting and Reviewing Contracts.*
- *Corporate Compliance.*
- *Drafting and Vetting of Wide Variety of Contracts and Other Legal Documents*

11. The UPSC is a constitutional and specialised recruiting agency entrusted with the task of evaluating the eligibility and suitability of candidates in accordance with the recruitment rules and the terms of the advertisement. The court exercising jurisdiction under Article 226



of the Constitution ordinarily refrains from interfering unless the action complained of is vitiated by *mala fides*, manifest arbitrariness, or patent illegality. In matters of recruitment, the scope of judicial review is thus confined to examining the legality of the decision-making process and not the merits of the decision itself. The Court is not expected to substitute its opinion in place of the recruiting agency/employer.

12. Tested on the aforesaid parameters, it is evident that the Petitioner, at the stage of submission of the ORA, had claimed experience only in Willard Advisory Pvt. Ltd., and the nature of duties disclosed therein pertained predominantly to drafting and vetting of commercial contracts, compliance documentation and allied corporate legal work. Significantly, during the course of proceedings before the Tribunal, the petitioner did not assert that he had undertaken appearances in Court or engagement in court proceedings as part of such employment.

13. The principal question that arises for consideration is whether the Petitioner fulfilled the essential experience requirement for the post of Prosecutor in the Serious Fraud Investigation Office as on the cut-off date prescribed in Advertisement No. 18/2022, on the basis of the disclosures made by him in the Online Recruitment Application, and whether the rejection of his candidature on that ground calls for interference in exercise of writ jurisdiction.

14. It is a matter of record that no other period of experience was claimed by the petitioner in the ORA as on the cut-off date.



Certificates and material relating to earlier engagements or subsequent periods of work were sought to be relied upon only after the cut-off date, either during scrutiny or in the course of proceedings before the Tribunal. The relevance and admissibility of such material, therefore, fell to be examined in the backdrop of the settled principle that eligibility has to be assessed on the basis of disclosures made by a candidate in the application as on the prescribed cut-off date.

15. The duties attached to the post of Prosecutor in the SFIO, as notified in the advertisement, include assisting in filing of prosecutions and complaints before courts, pursuing their progress, coordinating with counsel engaged by the Government, and maintaining records relating to court cases. The experience requirement, therefore, bears a rational nexus with the functional responsibilities of the post. In that context, the view taken by the recruiting agency that the experience disclosed by the Petitioner did not satisfy the essential requirement cannot be said to be irrational, arbitrary or perverse.

16. The Supreme Court in *Bedanga Talukdar v. Saifudaullah Khan & Ors*<sup>1</sup>., has authoritatively held that the selection process has to be conducted strictly in accordance with the stipulated selection procedure, and that when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. It has been further held that there cannot be any relaxation in the terms and conditions of the advertisement unless such power is specifically reserved, and that relaxation of any condition in the advertisement

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<sup>1</sup> (2011) 12 SCC 85



without due publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India. The relevant extract from ***Bedanga (Supra)*** is extracted herein:

28. *We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure.*

*Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There can not be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India.*

29. *A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.*

*(Emphasis supplied)*

17. Much emphasis was laid on behalf of the Petitioner on the certificates and material sought to be produced after the cut-off date, as well as on the relaxation clauses contained in the advertisement. It is, however, a settled principle that the sanctity of the cut-off date prescribed in a recruitment process has to be strictly maintained.



Permitting candidates to improve or supplement their eligibility after the cut-off date would introduce uncertainty and inequality into the selection process and would be contrary to the mandate of Articles 14 and 16 of the Constitution of India. The recruiting agency was, therefore, justified in confining its consideration to the eligibility claimed and substantiated as on the closing date of applications.

18. Viewed in the aforesaid legal backdrop, Note-I and Note-II appended to the advertisement, confer a discretionary power upon the UPSC to relax the qualifications, including experience, in specified circumstances and for reasons to be recorded in writing. Such a provision does not vest an enforceable right in any candidate to claim relaxation as a matter of course.

19. In the present case, no material has been placed to demonstrate that the circumstances contemplated under the notes were attracted or that the refusal to exercise such discretion suffered from arbitrariness. The fact that the Petitioner belongs to the Scheduled Tribe category, by itself, does not mandate relaxation in the absence of satisfaction of the conditions stipulated therein.

## **CONCLUSION**

20. The Tribunal, upon a consideration of the pleadings and the applicable recruitment conditions, has taken a view which is plausible and consistent with settled principles governing judicial review in service matters. No ground is made out for this Court to interfere with the Impugned Order.



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21. The Writ Petition is, accordingly, dismissed. Pending application, if any, also stand disposed of.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**FEBRUARY 13, 2026**

*sp/ad*