



2026:DHC:8545-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010470652026
+ **W.P.(C) 14452/2026, CM APPLs. 67771/2026, 67772/2026 & 67773/2026**

**ALL INDIA INSTITUTE OF
MEDICAL SCIENCES**

.....Petitioner

Through: Mr. Anand Varma and Mr.
Ayush Gupta, Advs.

versus

GIRDHARI LAL JAKHAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **29.09.2026**

C. HARI SHANKAR, J.

A. A Prefatory Note of Appreciation

1. We see before us, day in and day out, with some dismay, young Counsel merely seeking passovers or adjournments on behalf of arguing Counsel, and confessing ignorance, or at times “lack of instruction”, if we call upon them to address arguments. This case presented a welcome difference. Not only did Mr. Ayush Gupta argue the matter as Mr. Anand Varma was on his legs elsewhere; he argued commendably, and was thoroughly conversant with the file and the record. Equally commendably, we have to note, Mr. Anand Varma,

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when he did reach midway during arguments, did not “take over” the case, but sat beside Mr. Gupta, merely helping at times when he faltered. This is what we expect of senior as well as junior counsel. The junior counsel should be prepared, and the senior counsel should not discourage the junior from presenting the case. We record our appreciation for Mr. Gupta as well as Mr. Varma. It gives us hope.

B. Facts

2. This writ petition assails judgment dated 5 August 2025 passed by the Central Administrative Tribunal¹ allowing OA 3804/2022, preferred by the respondent before the Tribunal.

3. The respondent applied, in response to an advertisement issued by the All India Institute of Medical Sciences², for recruitment to the post of Driver Ordinate (Grade C) as a candidate belonging to the Other Backward Classes³. He participated in the selection process and succeeded in the written examination. The result notification 88/2022 dated 18 May 2022 declared that the respondent had secured 161 marks out of 200 and had obtained the 5th rank.

4. Clauses 3, 5 and 10(i) of the advertisement are relevant, and may be reproduced thus:

“3. The applicants applying in response to this advertisement should satisfy themselves regarding their eligibility for the post applied for. They must be fulfilling all the eligibility criteria as on

¹ “the Tribunal” hereinafter

² “AIIMS” hereinafter

³ “OBC” hereinafter



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the closing date of applications, failing which their application will be rejected. Required educational qualification/ experience should be completed on or before last date of application. In case of educational qualification, the candidate should have completed residency period for the desired educational qualification including internship on or before last date of submission of application and should have declared to have passed examination on or before this date. Likewise candidate must have completed duration of desired experience on or before cutoff date i.e last date of submission of online application.

5. The On-line Registration will be closed by 05:00 PM on 19.11.2020. The candidature of such applicants who fails to complete the online registration by the stipulated date and time will not be considered and no correspondence in this regard will be entertained.

10.(i) 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 2020-2021, therefore, valid NCL-OBC certificate issued during the period from 1.4.2020 to 31.3.2021 will be considered valid. Candidature who have NCL-OBC certificate issued before or after this period (i.e 1.4.2020 to 31.3.2021), 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 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.”

5. Clause 3 stipulated that all eligibility criteria were required to be satisfied by the aspirant candidate as on the closing date of applications, failing which the application would be rejected. It went on to clarify that the required educational qualification/experience had to be possessed on or before the last date of the application.

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6. The respondent initially furnished an OBC-NCL certificate for the year 2017-2018, which was submitted on 1 June 2022. The respondent sought to contend that he was unable to produce a certificate for year 2020-2021 owing to the intervening COVID-19 pandemic.

7. On 7 September 2022, the AIIMS addressed the following communication to the respondent:

“ALL INDIA INSTITUTE OF MEDICAL SCIENCES
(RECRUITMENT CELL)

No.1-14/2021-Estt.(RCT)

Ansari Nagar, New Delhi-110029

Dated: 07 SEP 2022

Roll No. 9430698

Rank NO. 5

Ms.Girdhari Lal Jakhar

S/o. Nanu Rain Jakhar

Village-Basda, Post Jorpura,

Vaya-Jobner, The-Phulera, Jobner, Rajasthan, PIN. 303328

Email: tejaichoudhary6@gmail.com

Mob: 8630095198

SUBJECT: Recruitment to the post of Driver Ordinary Grade at
AIIMS, New Delhi-submission of OBC (NCL).

This is with reference to his provisionally selection to the post of Driver Ordinary Grade against the reserved post of OBC (NCL) subject to verification of her documents on or before 09/06/2022, as per the instructions given on the Institute's website. It is informed that after examination of the documents provided by her, it has been observed that his OBC (NCL) certificate issued on 20/01/2022, whereas, it has been clearly mentioned that the valid OBC (NCL) certificate issued during the period from 01/04/2020 to 31/03/2021 will be considered valid. The OBC (NCL) certificate issued before or after this period (i.e. 01/04/2020 to 31/03/2021) will not be considered valid as per the conditions laid down in the advertisement for the above said post.

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Therefore, in this effect, you are required to produce the valid OBC (NCL) certificate during the period from 01/04/2020 to 31/03/2021 as per instructions given in the Institute's advertisement within 15 days from the date of issue of this office letter, failing which, your candidature for the post of Driver Ordinary Grade will be treated cancelled/withdrawn.

Sd/-
(Rajender Singh)
Administrative Officer"

8. Thus, by the communication dated 7 September 2022, the AIIMS itself extended the date for producing the OBC-NCL certificate by the respondent to 15 days after the issuance of the said letter.

9. Within the aforesaid period of 15 days, the respondent produced the following certificate issued by the Sub Divisional Officer, Sambhar Lake, Jaipur, on 13 September 2022:

“OFFICE OF THE SUB DIVISIONAL OFFICER, SAMBHAR
LAKE (JAIPUR) JAIPUR, RAJASTHAN

TELE-FAX:- 01425-228253 E-mail- sdosmbr@gmail.com

S.N.:- 243

Date: 13-09-22

CERTIFICATE

This is to certify that applicant Sh. Girdhari Lal Jakhar son of Mr Nanu Ram Jakhar village-basda post-jorpura via-jobner, Jaipur in District Jaipur of state Rajasthan having caste certificate No. RJ/2017/REVENUE DEPARTMENT/Digital Caste OBC For Central /18090197314 Dated 26/02/2018 so on the basis of this applicant belongs to the 58 JAT (EXCEPT IN BHARATPUR AND DHAULPUR DISTRICTS) Community which is Recognized as a backward class under the Government of India, Ministry of Social Justice and Empowerments Resolution no. 12011/68/98 - BCC dated 27/10/1999* and his family ordinarily reside in Jaipur district of the Rajasthan for financial year 2020-

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2021 period from 01/04/2020 to 31/03/2021.

This is also certify that Sh. Girdhari Lal Jakhar son of Mr. Nanu Ram Jakhar village-basda post-jorpura via-jobner, Jaipur in District Jaipur of state Rajasthan was belong to the "OBC (Non Creamy Layer)" category for financial year 2020-2021 period from 01/04/2020 to 31/03/2021 mentioned in Column 3 of the Schedule to the Government of India, Department of Personnel & Training O.M. No. 36012/22/93- Estt. (SCT) dated 08/09/93** which is modified vide OM No. 36033/3/2004 Estt. (Res.) dated 09/03/2004, further modified vide OM No. 36033/3/2004-Estt. (Res.) dated 14/10/2008, again further modified vide OM No.36036/2/2013-Estt (Res) dtd. 30/05/2014 and further clarification issued by DoP&T OM No. 36036/2/2013-Esst(Res-I) dated 31.03.2016.

*The authority issuing the certificate needs to mention the details of Resolution of Government of India, in which the caste of the candidate is mentioned as OBC.

**As amended from time to time.

Note:-

This certificate has been issued on the basis of required information furnished by the applicant through an affidavit and on the report of concerned Tehsildar.

Date

Sd/-
SUB DIVISIONAL OFFICER &
MAGISTRATE"

10. It needs to be mentioned, here, that the AIIMS does not dispute either the competence of the officer who had issued the aforesaid certificate, or the genuineness or credibility of the certificate itself, or the correctness of the facts stated in the certificate, i.e., that the respondent was in fact an OBC-NCL category candidate. On his eligibility and entitlement for recruitment as an OBC-NCL candidate, therefore, there is no real contest.

11. The AIIMS, however, rejected the respondent's candidature on



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the ground that the aforesaid certificate had not been issued during the period 1 April 2020 to 31 March 2021 as required by Clause 10(i).

12. Aggrieved by the rejection of his candidature, the respondent approached the Tribunal by way of OA 3804/2022, seeking quashing of the rejection letter dated 13 December 2022 and acceptance of the OBC-NCL certificate dated 13 September 2022 produced by him in response to the extension letter dated 7 September 2026 issued by the AIIMS.

C. The Impugned Judgment

13. By judgment dated 5 August 2025, the Tribunal, has followed the judgment of this Court in *A.I.I.M.S. v. Ravi Kumar*⁴, the Special Leave Petition against which was also dismissed by the Supreme Court, alongwith the respondent's OA and has directed the certificate dated 13 September 2022 to be treated as a valid OBC-NCL certificate.

14. Aggrieved thereby, the AIIMS has approached this Court by means of the present writ petition under Article 226 of the Constitution of India.

15. We have heard Mr. Anand Varma and Mr. Ayush Gupta, learned Counsel for the petitioner.

⁴ 2024 SCC OnLine Del 2147



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D. Submissions and Analysis

16. Despite the sincere efforts of Mr. Ayush Gupta, we do not find any real ground to interfere with the order passed by the Tribunal.

17. Mr. Gupta invoked Clauses 3, 5 and 10(i) of the advertisement.

18. Re. Clause 3

18.1 Clause 3 stipulated that all eligibility criteria were required to be satisfied by the aspirant candidate as on the closing date of applications, failing which the application would be rejected. It went on to clarify that the required educational qualification/experience had to be possessed on or before the last date of the application.

18.2 Though Mr. Gupta has invoked this clause, we are of the opinion that this clause has no application as there is no dispute regarding the eligibility or educational qualifications of the respondent, in so far as his entitlement for being recruited as Driver (Ordinate) is concerned.

19. Re. Clause 5

19.1 Clause 5 stated that the online registration would close by 5 pm on 19 November 2020 and that the candidature of the candidates who failed to complete online registration by that date or time, could not be



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considered, and that no correspondence in that regard would be entertained.

19.2 Mr. Gupta sought to rely on this clause as well. As in the case of Clause 3, we are of the opinion that Clause 5, too, has no application. The cut-off date prescribed in Clause 5 was for registration. Registration was stated to be closing at 5 pm on 19 November 2020 and candidates who could not complete the online registration by that date were *ipso facto* disqualified. There is no dispute that the respondent registered before the cut-off date and time of 5 pm on 19 November 2020. As such Clause 5 can also not operate as an impediment to the entitlement of the respondent for recruitment as Driver (Ordinate).

20. Clause 10(i)

20.1 Clause 10(i) states that candidates applying under the SC, ST and OBC categories were required to submit a valid caste certificate on the prescribed format issued by the competent authority. We may note that no prescribed format has been annexed to the advertisement. Though the clause goes on to state that the OBC certificate was to be in the format provided by OMs dated 30 May 2014 and 31 March 2016 issued by the Department of Personnel and Training⁵, neither of the said OMs was annexed to the advertisement.

20.2 We are of the opinion that it would be unfair to expect

⁵ "DOPT" hereinafter



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candidates to scour the internet or other sources to access official Office Memoranda issued by the DOPT and other such agencies and verify the formats in which the certificate was required to be submitted. The least that could be expected in such cases would be that the format of the certificate, or, at the very least, copies of the OMs would be contained in or annexed to the advertisement, for the information and instruction of applying candidates.

20.3 The following stipulation in Clause 10(i) is of pivotal significance in the present case:

“The vacancies are being advertised in financial year 2020-2021, therefore, valid NCL/OBC certificate issued during the period from 1 April 2020 to 31 March 2021 will be considered valid. The candidates who have NCL / OBC certificate issued before or after this period, (i.e., 1 April 2020 to 31 March 2021), will not be considered valid for this advertisement”.

20.4 It is clear, from a meaningful reading of this stipulation, that the requirement of issuance of the OBC-NCL certificate during the period 1 April 2020 to 31 March 2021 was only because the vacancies were being advertised in the financial year 2020-2021. What was, therefore, being sought to be ensured was that the OBC-NCL status of the candidate was known during the financial year 2020-2021. This is obviously, because the unlike the SC or ST status, which remains inviolate and permanent, the NCL character of a candidate could fluctuate. This has also been held by the Supreme Court in, *inter alia*, ***Sakshi Arha v. Rajasthan High Court***⁶, on which Mr. Gupta himself has placed reliance.

⁶ 2025 SCC OnLine SC 757



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20.5 It would be unrealistic to bisect the clause and concentrate only on the stipulation that the NCL-OBC certificate had to be issued during the window period 1 April 2020 to 31 March 2021, without recognising the fact that this stipulation was intended to ensure that the OBC-NCL status of the candidate was known during the financial year 2020-2021. Obviously, therefore, an OBC-NCL certificate pertaining to a financial year other than the financial year 2020-2021 would not suffice.

20.6 In applying the OBC-NCL policy of the Government, we have to bear in mind the principles laid down by the Supreme Court in *Indra Sawhney v. Union of India and Ors.*⁷ and all authorities which furthered the policy of reservation for the candidates belonging to OBC who do not belong to the creamy layer.

20.7 The only reason why the respondent's candidature was not accepted was ultimately because the certificate provided by him had not been issued during the period 1 April 2020 to 31 March 2021.

20.8 We find this approach to be unacceptable on facts and in law. In the first place, having itself extended, by its letter dated 7 September 2022, the time for the respondent to produce the OBC / NCL certificate by a further period of 15 days, and the respondent having actually provided the said certificate issued during the said period of 15 days, it would be unfair to reject the certificate on the ground that it

⁷ 1992 (3) SCC (Supp) 217



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was not issued during the period 1 April 2020 to 31 March 2021, which was over more than a year and half before the extension letter was issued.

20.9 One only wonders whether, if the respondent had not been forthright and honest and produced a certificate issued to him on 13 September 2022, and had produced an antedated certificate for the period issued during 1 April 2021 to 31 March 2022, he would not have been luckier in securing entitlement.

20.10 The issuance of the certificate was not something which was within the power of the respondent. We cannot also be oblivious of the fact that, during the period 1 April 2020 to 31 March 2021, the COVID-19 pandemic was at its peak. It would be unrealistic to expect candidates to be able to obtain certificates issued during that period. Travel, even within city limits, was, at that time, an ordeal.

20.11 Nonetheless, within the extension of time granted to the respondent by the letter dated 7 September 2022, the respondent produced the certificate dated 13 September 2022.

20.12 There is no dispute about the competence of the authority who issued the said certificate. There is also no dispute to the OBC or the NCL status of the respondent.

20.13 Moreover, the certificate actually pertains to the financial year 2020-2021. The purpose for requiring the certificate to have been issued between 1 April 2020 and 31 March 2021, which was only to



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insure that the OBC-NCL status of the candidate was known during that financial year, was equally subserved by the certificate dated 15 September 2022, which the respondent ultimately provided.

E. Conclusion

21. Keeping in mind all these facts, and the genuine difficulty which the respondent had in not providing a certificate during the period 1 April 2020 to 31 March 2021, we are of the opinion that the impugned judgment of the Tribunal does not merit interference in exercise of the extraordinary jurisdiction vested in us by Article 226 of the Constitution of India.

22. For these reasons, we decline to interfere in the present writ petition which is accordingly dismissed.

23. The AIIMS is directed to process the candidature of the respondents further in terms of the directions contain in the impugned judgment within a period of eight weeks from today.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

SEPTEMBER 29, 2026/aky