

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 64 of 2020
(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3151 of 2018)

Dr. Nutan Indwar @Nutan Indwar, D/o Sukru Kharia, R/o New Area, Near Jogo Pahar, Morabadi, P.O. Morabadi, P.S. Bariatu, District Ranchi Jharkhand.

... Appellant

-versus-

1. The State of Jharkhand.
2. The Secretary, Health, Medical Education and Family Welfare Department, Govt. Of Jharkhand, having its Office at Nepal House, P.O. And P.S. Doranda, District- Ranchi, Jharkhand.
3. Jharkhand Public Service Commission, through its Chairman, Circular Road, Ranchi, P.O. & P.S. Sadar, District Ranchi.
4. Secretary, Jharkhand Public Service Commission, Circular Road, Ranchi, P.O. & P.S. Sadar, District Ranchi.
5. Dr. Swati Murmu, C/o Principal Secretary, Road Construction (Substituted vide order dated 25/04/2025)
6. Dr. Pooja Samanta, C/o Secretary Health Medical and Family Welfare (GOJ)
7. Dr. Raja Babu Hemram, C/o Secretary Health Medical and Family Welfare (GOJ)
8. Sumitra Hansda, C/o Secretary Health Medical and Family Welfare (GOJ)

.... Respondents

WITH

L.P.A. No. 49 of 2020
(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 5558 of 2018)

Ms. Sabita Kumari, daughter of Naresh Yadav, resident of Govind Nagar, Kamre, Ratu Road, PO Kamre, PS Ratu, Town & District Ranchi (Jharkhand).

... Appellant

-versus-

1. The State of Jharkhand.
2. The Principal Secretary, Department of Home, Project Building, PO Dhurwa, PS Jagarnathpur, Town & District Ranchi (Jharkhand).
3. The I.G. Prison, PO & PS Dhurwa, Jharkhand, Ranchi.
4. Jharkhand Staff Selection Commission, through its Secretary, having Office at Kali Nagar, Chai Bagan, PO & PS Namkom, Town & District Ranchi (Jharkhand).
5. The Controller of Examination, Jharkhand Staff Selection Commission, having Office at Kali Nagar, Chai Bagan, PO & PS Namkom, Town & District Ranchi (Jharkhand).

.... Respondents

WITH

L.P.A. No. 74 of 2020
(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3540 of 2018)

1. Subhash Sharma, son of Ishwar Sharma, resident of Village Muandu Tan Ward No.28, PO PS Jhumritillaya Dist Koderma.
2. Rupesh Kumar Yadav, son of Parmeshwar Yadav, Resident of Tonkala, PO Jarhi, Police Station Dondari, District Garhwa.

3. Nitesh Kumar Mandal, son of Bhola Mandal, resident of Village Margadih, PO Ratabihiyar, PS Gandy, District Giridih.
4. Ajay Kumar Bhogta, son of Kamlesh Ganjhu, R/o Village Kakodih, PO Sanji, PS Ghatotand, Dist. Ramgarh.
5. Arun Kumar, son of Nemchand Saw, resident of Village Kalhabad, PO PS Barkatha, Dist. Hazaribagh.

... Appellants

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management having its Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police having its Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through its Secretary, having its Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having its office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

... ..

Respondents

WITH

L.P.A. No. 76 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3220 of 2018)

1. Pawan Kumar Sahu, son of Dinesh Prasad Sahu, resident of Dak Bunglow Road, Road No.2, PO PS Khunti, Dist. Khunti, Jharkhand.
2. Jitendra Gop, son of Manmath Gop, resident of village Sasias, PO Ettam, PS Basia, Dist. Gumla, Jharkhand.
3. Sanjay Kumar, son of Lalo Saw, resident of Jado Babu Chowk, PO PS Boddombazar, Dist. Hazaribagh Jharkhand.
4. Janmejaya Kumar, son of Jagdish Ram Kewat, resident of Kaparkatta Tand Main Road, Chitarpur, PO PS Chitarpur, Dist. Ramgarh, Jharkhand 825101.
5. Rajdeep Yadav, son of Krishna Yadav, resident of House No.24, Bharajo, PO Bharajo, PS Hazaribagh, Dist. Hazaribagh, Jharkhand.
6. Arbind Kumar, son of Prameshwar Prasad, resident of Kesra, PO PS Tatijharia, Dist. Hazaribagh, Jharkhand.

...

... Appellants

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management having its Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through its Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
5. Sumit Saurabh son of Shiv Shankar Prasad, resident of Tripant Gali, PO PS Jhumritillaya, Dist. Koderma.

.... Respondents

WITH

L.P.A. No. 77 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3261 of 2018)

1. Pradeep Kumar Mahto son of Jagdeo Mahto, resident of Village Chano, PO Gossaibaliya, PS Barkagaon, Dist. Hazaribag.
2. Akhilesh Kumar son of Amrit Prasad Yadav, resident of PO Gumgi, PS Tisri, Dist. Giridih.
3. Sikandar Alam son of Aftab Alam, resident of PO PS Dist. Latehar.
4. Sanjeet Rana son of Ramchandra Rana, resident of village Pipradih, PO Nowadih, PS Markacho, Dist. Koderma.
5. Yugesh Prasad son of Haricharan Saw resident of PO Marbar, PS Mandu, Dist. Ramgarh.
6. Nitish Kumar son of Sunil Prasad, resident of PO Lari, PS Rajrappa Project, Dist. Ramgarh.
7. Meenakshi Kumari, daughter of Narendra Kumar, resident of Bhurkunda, PO PS Bhurkunda, Dist. Ramgarh.

... Appellants

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 87 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3262 of 2018)

Sharvan Kumar son of Virendra Paswas, resident of Village Nawadih Panari, P.S. Hunterganj District Chatra, Jharkhand.

... Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 88 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3636 of 2018)

Prity Kachhap D/o Tijeshwar Bhagat, resident of Village Chaukani, PO Hesway, PS Sneha Thana, Dist- Lohardaga (Jharkhand)

... Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.

-: 3 :-

2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 92 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3216 of 2018)

1. Sanjay Kumar son of Satish Ram resident of Village Itki PO PS Itki Dist Ranchi.
2. Ameet Singh son of Ramdhari Yadav, resident of Village Bhadauli, PO Sisai, PS Sisai, Dist Gumla.
3. Nikesh Kumar Pandit son of Raj Kumar, resident of Village Itki, PO PS Itki, Dist. Ranchi.

...

...

Appellants

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 103 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3535 of 2018)

Ganesh Shankar Mahto son of Kanhu Kishore Mahato, resident of Village Riding PO Kharsawan, PS Kharsawan, Dist. Saraikela Kharsawan, Jharkhand.

...

...

Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 104 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3428 of 2018)

Rashmi Oraon daughter of Late Puran Oraon, resident of New Police Line Kanke Road, PO Ranchi University, PS Gonda, District Ranchi, Jharkhand.

... Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 105 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 2398 of 2018)

Md. Parwez Hussain, son of Md. Zahir Hussain, resident of Nazir Ali Lane, Lower Bazar, PO Church Road, PS Lower Bazar, Dist. Ranchi, Jharkhand.

... Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 114 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3374 of 2018)

1. Anshika Priya daughter of Late Vinod Yadav, resident of Bara Bazar Gwaltoli, PO Hazaribag and PS Sadar, District Hazaribagh, Jharkhand.
2. Devendra Kumar S/o Rajendra Prasad Saw, resident of Mango Chowk, PO Tupkadih, PS Balidih, District Bokaro, Jharkhand.
3. Manoj Mahato son of Akhileshwar Mahato, resident of Village Manjhiladih, PO Birajpur, PS Barwadda, District Dhanbad, Jharkhand.
4. Sugandha Verma D/o Sahdeo Verma, resident of Village Okni, PO Hazaribag and PS Sadar and District Hazaribagh, Jharkhand.
5. Kumar Gaurav S/o Puran Prasad Singh, resident of village Jamua, PO Sabejor and PS Sarath and District Deoghar, Jharkhand.
6. Niharika Singh D/o Lalan Singh, resident of village Kalimanda Shiblihari Middle, PO Kumardhubi and PS Chirkunda, District Dhanbad, Jharkhand.

... Appellants

-versus-

1. The State of Jharkhand

-: 5 :-

2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, Nepal House, PO and PS Doranda, District Ranchi, Jharkhand.
3. The Secretary, Jharkhand Public Service Commission, Circular Road, PO and PS Lalpur, District Ranchi.
4. The Controller of Examination, Jharkhand Public Service Commission, Circular Road, PO PS Lalpur, District Ranchi.
5. Sana Azam D/o Fakhar Azam Ansari, resident of village Jamshedpur, PO Jugsalai and PS Jugsalai and District Jamshedpur, Jharkhand.
6. Shruti Priyanka W/o Madan Kumar Sah, resident of village Bhatdiha, PO Godda and PS Godda District Godda, Jharkhand.

.... Respondents

WITH

L.P.A. No. 115 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 2950 of 2019)

1. Manoj Kumar Gupta son of Late Jagdish Prasad Gupta, resident of 1637 New Road, Meghdoot Sweets, PO Phusro, PS Bermo, Dist. Bokaro, Jharkhand.
2. Sandhya Kumari Daughter of Rajendra Prasad Gupta, resident of Suryavihar Colony, Prathmesh Apartment, Galin No.5, Flat No.1 (A) Bartand, PS Dhainya, Dist. Dhanbad, Jharkhand.

...

... Appellants

-versus-

1. The State of Jharkhand through the Director, Primary Secondary & Higher Education, Government of Jharkhand, having Office at Project Building, PO PO Dhurwa, Dist. Ranchi, Jharkhand.
2. The Secretary, Primary Secondary & Higher Education, Government of Jharkhand, having Office at Project Building, PO PO Dhurwa, Dist. Ranchi, Jharkhand.
3. Jharkhand Staff Selection Commission through Chairman, having Office at Namkum, PO PS Namkum, Dist. Ranchi.
4. Jharkhand Staff Selection Commission, through its Controller of Examination, having Office at Namkum, PO PS Namkum, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 117 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3931 of 2018)

Neha Noopur D/o A.K. Rajak, W/o Bikash Kumar, R/o Opposite SBI Customer Care, Telidih Road, PO Narayanpur, PS Chas, District Bokaro, Jharkhand 827013.

...

... Appellant

-versus-

1. The State of Jharkhand.
2. The Secretary, Jharkhand Public Service Commission, Ranchi, Circular Road, PO GPO, Ranchi 834001.

...

... Respondents

WITH

L.P.A. No. 125 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 5514 of 2018)

Kushma Kumari S/o Shri Mohan Gope, resident of Village Nawagarh Serka, PO and PS Bishunpur, District Gumla.

... Appellant

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Department of Human Resource and Development, through its Principal Secretary, having Office at Project Bhawan, PO PS Dhurwa, District Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 126 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 5903 of 2018)

Kumari Punam Jyoti D/o Shri Krishna Deo Prasad, resident of Village Kesda, Tatijharia, Bishnugarh, PO PS Tatijharia, District Hazaribagh.

... Appellant

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Department of Human Resource and Development, through its Principal Secretary, having Office at Project Bhawan, PO PS Dhurwa, District Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. The Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 127 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 5896 of 2018)

Neha Kumari D/o Shri Om Prakash, resident of Village Bhendra, Nawadih, PO Bhendra, PS Nawadih, District Bokaro.

... Appellant

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Department of Human Resource and Development, through its Principal Secretary, having Office at Project Bhawan, PO PS Dhurwa, District Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, District Ranchi.

.... Respondents

WITH

-: 7 :-

L.P.A. No. 128 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 4249 of 2018)

Saheb Ali son of Shri Akbar Ali, resident of Village Karnal Market, PO PS Marafari, District Bokaro (Jharkhand).

...

... **Appellant**

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, District Ranchi.
3. Deputy Inspector General of Police, Office at HEC Administrative Building, PO PS Dhurwa, District Ranchi.
4. Jharkhand Staff Selection Commission through its Secretary having Office at Chaibagan, Kalinagar, PO PS Namkom, District Ranchi.
5. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... **Respondents**

WITH

L.P.A. No. 133 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3248 of 2018)

Sunny Kumar Verma son of Krishna Nandan Verma, resident of Dr. Rajendra Prasad Road, Castair Town, Subhash Chowk, PO PS Castair Town, District Deoghar, Jharkhand.

...

... **Appellant**

-versus-

1. The State of Jharkhand through the Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, Dist. Ranchi.
2. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
3. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
4. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... **Respondents**

WITH

L.P.A. No. 183 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 3476 of 2018)

1. Raju Kumar Choudhari son of Raghunath Mahto, resident of Kapilo, PO PS Suriya, District Giridih (Jharkhand).
2. Sanjay Kumar Sahu son of Gopi Chand Sahu, resident of Rangamati, PO Roshanatunda (Isri Bazar), PS Nimiyaaghat, District Giridih (Jharkhand).

...

... **Appellants**

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Secretary, Department of Home, Jail and Disaster Management having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, District Ranchi.

3. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, Dist. Ranchi.
4. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
5. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 193 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 4255 of 2018)

Pankaj Das son of Shri Om Prakash Das, resident of Vivekanand Nagar, Nichitpur, PO PS Katras Bazar, District Dhanbad (Jharkhand).

... Appellant

-versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi, PO PS Dhurwa, District Ranchi.
2. Secretary, Department of Home, Jail and Disaster Management, having Office at 1st Floor, Project Bhawan, PO PS Dhurwa, District Ranchi.
3. Deputy Inspector General of Police, having Office at HEC Administrative Building, PO PS Dhurwa, District Ranchi.
4. Jharkhand Staff Selection Commission through Secretary, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.
5. Controller of Examination, Jharkhand Staff Selection Commission, having Office at Chaibagan, Kalinagar, PO PS Namkom, Dist. Ranchi.

.... Respondents

WITH

L.P.A. No. 266 of 2020

(Arising out of Order dated 20.12.2019 passed in W.P.(S) No. 6017 of 2018)

Sonu Priya daughter of Sri Rajendra Prasad, resident of 8, Tupudana, PO Hatia, PS Dhurwa, District Ranchi (Jharkhand).

... Appellant

-versus-

1. The State of Jharkhand through the Secretary, Department of Personnel, Administrative Reforms and Rajbhasa, Govt. of Jharkhand, Project Building, PO Dhurwa, PS Jagannathpur, Ranchi, Jharkhand.
2. Secretary, Department of Personnel, Administrative Reforms and Rajbhasa, Govt. of Jharkhand, Project Building, PO Dhurwa, PS Jagannathpur, Ranchi, Jharkhand.
3. Jharkhand Staff Selection Commission through Secretary, Kalinagar, Chhay Bagan, PO PS Namkum, Ranchi, Jharkhand.
4. Secretary, Jharkhand Staff Selection Commission, Kalinagar, Chaay Bagan, PO PS Namkum, Ranchi, Jharkhand.
5. Examination Controller, Jharkhand Staff Selection Commission, Kalinagar, Chaay Bagan, PO PS Namkum, Ranchi, Jharkhand.

.... Respondents

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANANDA SEN

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants : Mr. Krishna Murari, Advocate
 Mr. Raj Vardhan, Advocate
 Ms. Mitali Raj, Advocate
 Mr. Ritesh Pathak, Advocate
 Mr. Rabindra Nath, Advocate
In LPA 64 of 2020, LPA 117 of 2020
 Mr. Shresth Gautam, Advocate
 Mr. Yogendra Prasad, Advocate
In LPA 49 of 2020, LPA 74 of 2020, LPA 76 of 2020, LPA 87 of 2020, LPA 88 of 2020, LPA 92 of 2020, LPA 103 of 2020, LPA 104 of 2020 & LPA 105 of 2020
 Mr. Manoj Tandon, Advocate
 Ms. Neha Bhardwaj, Advocate
 Ms. Sneha Kumari, Advocate
In LPA 77 of 2020, LPA 133 of 2020
 Mr. Nitish Parth Sarthi, Advocate
 Ms. Chandana Kumari, Advocate
In LPA 114 of 2020
 Mr. Prem Mardi, Advocate
 Mr. Mukesh Kumar Mehta, Advocate
In LPA 115 of 2020
 Mr. Indrajit Sinha, Advocate
 Mr. Amritansh Vats, Advocate
In LPA 125 of 2020, LPA 126 of 2020, LPA 127 of 2020, LPA 128 of 2020, LPA 183 of 2020, LPA 193 of 2020
 Mr. Rohit Ranjan Sinha, Advocate
 Mr. Akchansh Kishore, Advocate
In LPA 266 of 2020

For the Respondents: Mr. Rajiv Ranjan, Advocate General
(State) Mr. Ashutosh Anand, A.A.G. III
 Mr. Ashok Kumar Yadav, Sr. S.C. I
 Mr. Manish Kumar, Sr. SC II
 Mr. Rahul Saboo, GP II
 Mr. Mithilesh Singh, G.A. IV
 Mr. Jayant Franklin Toppo, GA V
 Mr. Piyush Chitresh, AC to AG
 Mr. Gaurav Raj, AC to AAG II
 Mr. Rakesh Kumar Shahi,
 AC to SC (L&C) I
 Ms. Chaitali C. Sinha, AC to AAG IA
 Mr. Rohit, AC to AAG I
 Ms. Divya, AC to SC III

For the JPSC & JSSC: Mr. Sunil Kumar, Sr. Advocate

Mr. Sanjay Piprawall, Advocate
Ms. Rohini Prasad, Advocate
Mr. Prince Kumar, Advocate
Mr. Rakesh Ranjan, Advocate
Mr. Jay Prakash, Advocate

ORDER

RESERVED ON 21.08.2025

PRONOUNCED ON 15.09.2025

Per Ananda Sen, J. This Full Bench has been constituted to answer the reference made by a Division Bench in L.P.A. No.64 of 2020 and other batch of cases vide order dated 2nd March, 2023.

THE REFERENCE

2. The issue and the questions, which need to be answered, as framed by the learned Division Bench are as follows: -

- A. Whether “Ram Kumar Gijroya” must be applied in every case irrespective of the facts of the case, provided the caste certificate is produced at the time of verification of the documents?***
- B. Whether Clause 9(gha) in the Advertisement No. 2 of 2016 and a similar stipulation in the other advertisements run contrary to the Constitutional mandate under Article 14, 16 and 335 of the Constitution of India?***
- C. Whether providing a condition in the advertisement that the caste certificate in the proper format should be in possession of the candidate on the last date for making the application failing which his/her candidature shall be considered under unreserved category is an exercise of excessive delegation of power and/or beyond the powers conferred upon the Commission?***

THE BACKGROUND

3. For the purpose of answering the reference as referred to by the Division Bench, it is not necessary to traverse in detail all the facts of each individual cases. Suffice it would be to highlight that the petitioners/appellants herein had applied for various posts, against different advertisements published by the Jharkhand Public Service Commission or the Jharkhand Staff Selection Commission. In all these cases, petitioners/appellants are claiming benefits of reservation, since, they have been declared successful in the respective examination conducted by the Jharkhand Public Service Commission or Jharkhand Staff Selection Commission, as the case may be, and have secured more marks than the last selected candidates in their

respective categories. It is the case of the petitioners/appellants that their caste certificates were not considered on the ground that (i) it was not in proper format; (ii) they were not in possession of the caste certificates in proper format as on the last date of submission of the application but they have produced the required caste certificate at the time of verification of documents. Their grievance further is (i) some of the candidates were permitted to appear in the interview in their caste category; and (ii) certificates of some of the candidates were accepted at the time of verification of documents; thus, there are procedural discrepancies, which were adopted, which also led to grievance of the petitioners/appellants. Challenging non-consideration of their case, petitioners-appellants approached the Court by filing writ petitions under Articles 226 of the Constitution of India.

4. Learned Single Judge had dismissed the writ petitions bearing Numbers W.P.(S) No.3151 of 2018 and other writ petitions, which led to filing of L.P.A. No.64 of 2020 and other batch of cases, which are for consideration before us under this reference. Learned Single Judge held that the prayers of the petitioners of submitting the caste certificate at the time of verification of documents in performa as mentioned in the advertisement or issued prior to the last date of submission of the application online, cannot be accepted as the same will amount to violation of Articles 14 and 16 of the Constitution of India, as several persons, who are similarly situated may not have applied as they did not possess the caste certificate in due format issued by the competent authority as on the last date of submission of applications. Learned Single Judge further held that since the petitioner failed to fulfill the requisite conditions stipulated in the advertisement and could not submit caste certificate issued by the competent authority within stipulated period, their candidatures and their claim in respective reserved categories have been correctly rejected. Learned Single Judge concluded that there is no wrong in considering their case under unreserved category, thus, the writ petitions were dismissed.

THE CONFLICT

5. Before the Division Bench in L.P.A. No.64 of 2020 and other batch of cases, the petitioners/appellants relied upon the judgments of the Hon'ble Supreme Court in the case of ***Ram Kumar Gijroya versus Delhi Subordinate Services Selection Board & Another*** reported in (2016) 4 SCC 754 and

Karn Singh Yadav versus Government of NCT of Delhi & Others reported in **2022 SCC OnLine SC 1341** and its reference **order dated 24th January 2020** passed in **Special Leave to Appeal (C) No. 14948 of 2016 [Karn Singh Yadav versus Government of NCT of Delhi and others]** in support of their claim that the caste certificates can be produced even after the cutoff date. The appellants had also relied upon another judgment of a Division Bench in **L.P.A. No.610 of 2017 with L.P.A. No.618 of 2017 [Jharkhand Staff Selection Commission, through its Secretary, Ranchi versus State of Jharkhand & Others]**, wherein another Division Bench, relying upon the judgment of the Hon'ble Supreme Court in the case of **Ram Kumar Gijroya (supra)** approved the direction of the Writ Court to accept the caste certificate and domicile certificate of the successful candidates who were denied appointments on the ground that they had failed to submit the requisite certificates before the date notified for document verification.

6. The Jharkhand Public Service Commission and Jharkhand Staff Selection Commission, in these Letters Patent Appeals before the Division Bench, heavily relied upon a judgment delivered by a Division Bench in **L.P.A. No. 91 of 2020 [Dr. Sweta Kumari @ Sweta Kumari versus State of Jharkhand & Others]** wherein, after considering Clause 9(gha) of the Advertisement No.2 of 2016, it was held that a candidate, who has failed to submit caste certificate in proper format, must suffer the consequences as provided in the advertisement itself. They further relied upon the orders passed by other Division Benches in **L.P.A. No.469 of 2015 [Premchand Kumar versus State of Jharkhand & Others]** and **L.P.A. No. 57 of 2018 [Jharkhand Staff Selection Commission & Another versus State of Jharkhand & Others]** to submit that once a candidate has failed to comply with the requirements under the advertisement for appointment inasmuch as caste certificate was not furnished in proper format within the stipulated time or a different caste certificate was produced at the time of verification of the documents, his candidature shall be treated under unreserved category. They also referred to the order passed in **W.P.(S) No. 1921 of 2018 [Rohan Thakur versus The State of Jharkhand & Others]** in which insistence of the JPSC, on adherence for the conditions prescribed under the advertisement, was approved by the Hon'ble Division Bench.

7. Since there were divergent views of two Division Benches and also considering the judgment of the Hon'ble Supreme Court in the case of

Ram Kumar Gijroya (supra) and Karn Singh Yadav (supra), the Division Bench in these batch of cases felt necessary to refer the matter to the Larger Bench to decide the issue so framed. Issues, which have been framed, are already quoted hereinbefore at paragraph 2.

8. Thus, this matter has been placed before us.

ARGUMENTS OF LEARNED COUNSEL FOR THE APPELLANTS

9. While arguing, Mr. Manoj Tandon, learned counsel for the appellants, submitted that the judgment in ***Ram Kumar Gijroya (supra)*** passed by the Hon'ble Supreme Court holds the field. As the aforesaid judgment was doubted by a Bench of Hon'ble Supreme Court, having same strength in the case of ***Karn Singh Yadav (supra)***, thus, vide order dated **24th January, 2020**, the ***Special Leave to Appeal (C) No. 14948 of 2016*** was referred to a larger Bench of three Judges for reconsideration of the decision in the case of ***Ram Kumar Gijroya (supra)***. He contended that finally in the year 2022, a Three Judges Bench of the Hon'ble Supreme Court disposed of ***Karn Singh Yadav (supra)*** holding that the case of ***Karn Singh Yadav*** is covered by the decision of ***Ram Kumar Gijroya (supra)***. As per the counsel, this clearly suggests that the Three Judges Bench of the Hon'ble Supreme Court in ***Karn Singh Yadav (supra)*** has approved the law laid down by the Hon'ble Supreme Court in the case of ***Ram Kumar Gijroya (supra)***, thus, there is no scope for this Court to take a contrary view. It is his contention that a situation may arise when due to large number of candidates filling up the form, it is not possible for them to obtain the caste certificate in a proper format on or before the last date of the submission of the application. In that case, it cannot be said to be illegal if the caste certificate is produced at the time of document verification. If there is no discrepancy in the caste which a candidate is claiming and the certificates, which he is producing, the claim of the applicant should be accepted and the candidate should be placed in the reserved category. He submitted that though there may be some variation in respect of certificates of Backward Class, Other Backward Class and Economically Weaker Section, but the same cannot be in the case of Scheduled Caste and Scheduled Tribe candidates. The status of a person, who is taking benefit of Scheduled Caste and Scheduled Tribe, remains the same, but there are possibilities of change of status of Other backward Class, Backward Class and Economically Weaker Section. The fact which also needs consideration is that

if a person is of Scheduled Caste and Scheduled Tribe, there may not be any difficulty in accepting their certificate at the time of verification of documents, even if they did not submit the same in a proper format at the time of application. He raised a point that the last date of submission, as mentioned in the advertisement is not of much importance. As per him, it is only for the purpose of giving a declaration about the caste of the candidate and his claim that he is claiming the benefit of reservation which is attached to the said caste and only for the limited purpose the cut-off date is fixed. Since a time period is given to verify the documents, it should be seen that at the time of verification of documents, whether the candidates are producing the caste certificate in a proper format, issued by the appropriate prescribed authority, or not and the said certificate, which the candidate is producing declares the candidate to be of the same caste, which he had claimed at the time of filling up the form or not.

10. Learned Advocate General appearing on behalf of the State submitted that there are conflicting judgments of the Division Bench of this Court on this issue, thus, the matter has been referred before the Larger Bench, framing questions, which needs to be answered. As per him, the law laid down by the Hon'ble Supreme Court in the case of **Ram Kumar Gijroya (supra)** has been impliedly overruled and has been diluted by the Hon'ble Supreme Court in the case of **Divya versus Union of India and Others** reported in **(2024) 1 SCC 448**. Learned Advocate General further argued that a Coordinate Bench of the Hon'ble Supreme Court in the case of **Karn Singh Yadav (supra)** doubted the proposition in the case of **Ram Kumar Gijroya (supra)** and referred the matter to a Larger Bench for decision. Though a Three Judges Bench disposed of **Karn Singh Yadav's case** in the year 2022, but the Three Judges Bench did not deal with the proposition of law, rather had only held that factually case of **Karn Singh Yadav** is covered by **Ram Kumar Gijroya (supra)**, thus, according to him, the question of correctness of the proposition of **Ram Kumar Gijroya (supra)** cannot be said to have been decided. As per him when a matter is referred to a Larger Bench, the reference needs to be answered. Admittedly, in the case of **Karn Singh Yadav (supra)** the reference was not answered. It was his contention that since the reference is not answered, it cannot be said that the proposition laid by the Hon'ble Supreme Court in the case of **Ram Kumar Gijroya (supra)** has been affirmed by a Larger Bench. It was his contention that when an advertisement is issued

with a specific requirement that too with a cut-off date, all the conditions laid therein must be met with and within the cut-off date, as prescribed for that purpose. If the candidates are allowed to furnish certificates beyond cut-off dates, then there is no justification of prescribing any cut-off date in the advertisement. Further, a situation may arise where a candidate, who does not possess the requisite certificate on the cut-off date, may not choose to fill the application, knowing fully well that he is not in possession of the certificate as on the cut-off date and keeps himself out of the selection process, but if leverage is given to the candidates, who without possessing the certificates on the cut-off date, produces the same at the time of document verification, the leverage will result in giving undue advantage to those candidates and depriving the candidates, who did not apply due to want of certificate. This will definitely amount to blatant discrimination giving rise to violation of Article 14 and 16 of the Constitution of India. Further, he submitted that certificates, as sought for, must be furnished as on the cut-off date and that too, which has been issued by the authority prescribed in the advertisement and in proper format. The employer has the absolute liberty to fix a cutoff date and choose the conditions of the advertisement and it is not within the scope and domain of the applicant to question the same.

11. Learned Senior Counsel appearing on behalf of the Jharkhand Public Service Commission argued that there is no fundamental right to get reservation. Article 16 (4) of the Constitution of India is an enabling provision. Formats, which have been prescribed and the cutoff date, which has been fixed, need to be followed strictly. This helps to standardise the evaluation of the candidates. He submitted that in these cases, neither any clause of the advertisement is challenged nor the cutoff date.

12. All the parties to these appeals, admit that this Bench is only to answer the reference, which has been made and each individual appellants should be allowed to argue their respective cases on merits before the appropriate Bench(es) only after the reference is answered.

ANALYSIS OF REFERENCE QUESTIONS (A) AND (C)

13. Since reference questions (A) and (C) are interconnected, both are being analysed together.

14. Learned counsel appearing on behalf of the appellants, heavily, relied upon the judgment of the Hon'ble Supreme Court in the case of **Ram**

Kumar Gijroya (supra). In **Ram Kumar Gijroya (supra)**, the important question, which fell for consideration before the Hon'ble Supreme Court is whether a candidate, who appears in an examination under OBC Category and submits the certificate after the last date mentioned in the advertisement, is eligible for selection to the post under the OBC Category or not. This question, which the Hon'ble Supreme Court had framed, is reflected in paragraph 2 of the aforesaid judgment.

15. In the aforesaid case, the Delhi Subordinate Services Selection Board (DSSSB) invited applications to fill up the post of Staff Nurse in the Department of Health, Medical Education and Family Welfare, Government of NCT of Delhi. The applicant submitted his application before the Department and was also issued an Admit Card to appear in the examination. After the examination, he was shortlisted. However, in the final select list, his name did not appear. He was informed that he was not selected for the reason that he failed to submit the OBC Certificate issued by the appropriate authority along with the application form before the last date of submission of the application. His challenge in the writ petition found success before the learned Single Judge and the learned Single Judge of the High Court directed the respondents to reconsider the application of the applicant along with other candidate against the OBC Category. The said judgment was rendered considering the case of **Pushpa versus Government (NCT of Delhi) [2009 SCC OnLine Del 281]** passed by the Delhi High Court. The Letters Patent Appellate Court took a different view and after distinguishing the judgment of **Pushpa (supra)**, allowed the Letters Patent Appeal filed by the DSSSB by setting aside the judgment of the learned Single Judge, which led to filing of Civil Appeal by **Ram Kumar Gijroya** before the Hon'ble Supreme Court.

16. A Two Judge Bench of the Hon'ble Supreme Court, thereafter considered the petition of **Ram Kumar Gijroya** and decided the same on 24th February, 2016. By considering several judgments on reservation and the purpose of reservation, the Hon'ble Supreme Court held that the Division Bench of Delhi High Court erred in reversing the order passed by the learned Single Judge. It further held that the decision rendered in the case of **Pushpa (supra)** is in conformity with the proposition laid down by the Hon'ble Supreme Court. The Hon'ble Supreme Court, heavily, relied upon the case of **Pushpa (supra)** which relied upon **Tej Pal Singh versus Government (NCT of Delhi) [1999 SCC OnLine Del 1092]**. In paragraph 16 of the judgment of **Ram**

Kumar Gijroya, the Hon'ble Supreme Court quoted paragraph 11 of the judgment in the case of **Pushpa (supra)**, which takes into consideration the findings of **Tej Pal Singh (supra)**. Paragraph 16 of **Ram Kumar Gijroya (supra)** reads as follows: -

"16. In Pushpa, relevant paragraphs from Tej Pal Singh have also been extracted, which read thus: (Pushpa case, SCC OnLine Del para 11)

"11. ... 15. The matter can be looked into from another angle also. As per the advertisement dated 11-6-1999 issued by the Board, vacancies are reserved for various categories including SC category. Thus in order to be considered for the post reserved for SC category, the requirement is that a person should belong to SC category. If a person is SC he is so by birth and not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that he belongs to SC category and act thereon by giving the benefit to such candidate for his belonging to SC category. It is not that petitioners did not belong to SC category prior to 30-6-1998 or that acquired the status of being SC only on the date of issuance of the certificate. In view of this position, necessitating upon a certificate date prior to 30-6-1998 would be clearly arbitrary and it has no rationale objective sought to be achieved.

16. While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorizing the Government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society. The right in social and economic justice envisaged in the Preamble and elongated in the fundamental rights and directive principles of the Constitution, in particular Articles 14, 15, 16, 21, 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful."(Tej Pal Singh case, SCC OnLine Del paras 15-16)"

17. In paragraph 17 also of **Ram Kumar Gijroya (supra)**, the Hon'ble Supreme Court has extracted the findings, which was recorded in the case of **Valsamma Paul versus Cochin University [(1996) 3 SCC 545]** and **Tej Pal**

Singh (supra). Paragraph 17 of **Ram Kumar Gijroya (supra)** reads as under:-

17. Further, in Pushpa, relevant portion from the judgment of Valsamma Paul case has also been extracted, which reads as under: (Pushpa case, SCC OnLine Del para 11)

“11. ... '17. ... “21. The Constitution through its Preamble, fundamental rights and directive principles created a secular State based on the principle of equality and non-discrimination, striking a balance between the rights of the individuals and the duty and commitment of the State to establish an egalitarian social order.” (Valsamma Paul case, SCCC pp. 560-61, para 21)’ (Tej Pal Singh case, SCC OnLine Del para 17)”

18. It also held that the object of providing reservation to SC, ST and educationally and socially backward classes of the society is to achieve the concept of giving equal opportunity to all sections of the society and to remove inequality in public employment, as candidates belonging to these categories are unable to compete with the general category. The off shoot of the aforesaid judgment of **Ram Kumar Gijroya (supra)** is that non-submission of caste/tribal certificate by the reserved category candidate within the cutoff date mentioned in the advertisement cannot make them ineligible to claim reservation. Denial of their selection only on the aforesaid ground of non-furnishing of Caste Certificate within the cutoff date mentioned in the advertisement will amount to denial of equal opportunity.

19. The aforesaid judgment came up for consideration by the Hon'ble Supreme Court in **Special Leave to Appeal (C) No. 14948 of 2016 [Karan Singh Yadav versus Government of NCT of Delhi & Others]**. The Hon'ble Supreme Court on 24th January, 2020, considered the judgment of **Ram Kumar Gijroya (supra), Pushpa (supra)** and observed that if applicants are permitted to rectify applications after cutoff date, the same would render the scrutiny process indefinite. The Hon'ble Court further observed that in course of such recruitment process many persons, though they belong to a particular category like that of OBC, SC or ST may not have obtained such certificate before the cut-off date. Such persons being law abiding and being conscious of the bar contained in the notification, might not have applied against the advertisement seeking employment. In the aforesaid backdrop, if the authorities start accepting caste certificate subsequent to the cut-off date, whenever the candidate produces the authority, the remaining candidate, who

had not applied, will definitely be affected. The Hon'ble Supreme Court observed that allowing these type of candidates to furnish proof of their claim of reservation subsequent to notification of cut-off date would create administrative chaos. Considering all these aspects, since both the Bench Strength, i.e., the Bench Strength of **Ram Kumar Gijroya (supra)** and **Karn Singh Yadav (supra)** was same, the Hon'ble Supreme Court, in the case of **Karn Singh Yadav (supra)** found that the case of **Ram Kumar Gijroya (supra)** requires to be considered by Larger Bench of three Judges, thus, referred the matter.

20. **Karn Singh Yadav (supra)**, thereafter, was taken up by a three Judges Bench of Hon'ble Supreme Court, but the case was decided on individual merit of the case of **Karn Singh Yadav**, holding that the facts of the case of **Karn Singh Yadav** is identical to the facts of **Ram Kumar Gijroya (supra)**, which came up for consideration before the Hon'ble Supreme Court wherein the Court ruled in favour of the candidate. The Supreme Court, thus, held that the matter is completely covered by the said decision. The fact, which is apparent from the reading the final judgment of **Karn Singh Yadav (supra, decided on 28.09.2022)** is that the issue, which was raised in the said case, vide order dated 24th January, 2020 and the points raised, remained unanswered.

21. A similar issue, including the judgment of **Ram Kumar Gijroya (supra)**, fell for consideration before the Hon'ble Supreme Court in the case of **Divya versus Union of India and Others (supra)**. In the case of **Divya**, the petitioner was denied the benefit of reservation under EWS Category considering the office memorandum issued by the Government of India wherein the mandate was that candidate must possess requisite certificate before closing date of application for the financial year 2020-21 and before the main examination, the candidate is expected to upload the certificate. Petitioner could not comply such mandate within the deadline, which led to rejection of her application, resulting in the litigation before the Hon'ble Supreme Court.

22. The Hon'ble Supreme Court, while deciding the case of **Divya** has taken note of the judgment of the Hon'ble Supreme Court in the case of **Ram Kumar Gijroya (supra)**, **Karn Singh Yadav(supra)** and **Charles K. Skaria versus C. Mathew [(1980) 2 SCC 752]**, and recorded the submission of the learned counsel for the petitioner at paragraph 35 of the aforesaid judgment. It

was also the argument of the learned counsel that the petitioner, (in the case of **Divya**), that once the categorization in Economically Weaker Section is not disputed, mere inability to possess the certificate on the cutoff date should not operate to the prejudice of the candidate. It was the contention that delayed submission should not affect the category-wise selection process and there is no rationale for insisting to produce the certificate on the cut-off date. Be it noted that in these Letters Patent Appeals also, same is the contention of the writ petitioners/the appellants. While dealing with the aforesaid issue, the Hon'ble Supreme Court, at paragraph 50 of the judgment in the case of **Divya (supra)** has held as follows: -

***“50. That is the fundamental distinction between Charles K. Skaria line of cases and the cases at hand. As pointed out earlier, the eligibility for being categorized as EWS candidate crystallises only when the I&AC is issued and, in this case, as required under the Rules, it was to be issued and possessed by the candidate before 22-2-2022.*”**

23. Further, the Hon'ble Supreme Court held that if there are relevant rules, which prescribes the date on which the eligibility should be possessed, those rules will prevail in absence of any date prescribed for, in the prospectus / advertisement for determining the eligibility, the last date for submission of the application would be the cut-off date. While holding so, the Hon'ble Supreme Court relied upon the judgment of **Rekha Chaturvedi versus University of Rajasthan [1993 Supp (3) SCC 168]**, **Bhupinderpal Singh versus State of Punjab [(2000) 5 SCC 262]** and **Ashok Kumar Sonkar versus Union of India [(2007) 4 SCC 54]**. Paragraph 51 of the judgment in the case of **Divya (supra)** is quoted hereunder:-

“51. It is also very well settled that if there are relevant rules which prescribe the date on which the eligibility should be possessed, those rules will prevail. In the absence of rules or any other date prescribed in the prospectus/advertisement for determining the eligibility, there is a judicial chorus holding that it would be the last date for submission of the application. (See Rekha Chaturvedi v. University of Rajasthan; Bhupinderpal Singh v. State of Punjab; Ashok Kumar Sonkar v. Union of India)”

24. Thus, the findings of the Hon'ble Supreme Court clearly mandates that in absence of any cutoff date prescribed in the Rules on which the eligibility should be possessed, the last date for submission of the application or the cutoff date if any as prescribed in the prospectus / advertisement would

determine the eligibility. Thus, the importance of cutoff date and the date mentioned in the prospectus / advertisement has been highlighted by the Hon'ble Supreme Court.

25. The Hon'ble Supreme Court further went on to decide the issue of impermissibility of selective relaxation. It has been held that the determination of eligibility cannot be left uncertain till the final stage of selection, as the same would lead to uncertainty. In this context, it is to be noted that any process cannot be kept open for an indefinite period. This will lead to uncertainty, anomaly and will also give rise to inequality amongst the equals also. This opens scope for arbitrariness, which is definitely counterproductive and runs contrary to the principle of fairness in selection process. This may also give discretionary power to the authority, which is not vested by the law and the said discretion can at times be exercised arbitrarily or with malafide. If the concept of cut-off date is given a go bye and candidates are allowed to furnish requisite certificate beyond the cutoff date, it will amount to giving undue advantage to them and similarly will cause hardship and irreparable prejudice to the non-applicants, who by adhering to the cut-off date, could not or did not apply due to want of necessary certificate, as on that date. Allowing the persons to furnish this certificate beyond the cutoff date would amount to giving premium to them over those candidates, who being aware of the requirements, did not apply due to want of requisite certificate on the cutoff date. A person, who does not qualify the conditions, cannot be given any advantage nor can any premium be given to him.

26. Further, in the case of ***Divya (supra)***, Hon'ble Supreme Court considered the case of ***Ram Kumar Gijroya (supra)***. While considering, in paragraph 61 of the judgment, Hon'ble Supreme Court categorically observed that the said judgment does not impress the Bench. The Hon'ble Court differed with the findings of ***Ram Kumar Gijroya (supra)*** on many issues. It also observed that one of the main contentions that eligibility ensures or crystalises only on the issuance of certificate and possession of the certificate before the prescribed cutoff date was not even raised in the aforesaid judgment. It is necessary to quote paragraph 61 of the judgment in the case of ***Divya (supra)***, for better appreciation, which is as under: -

"61. The strong reliance placed on Ram Kumar Gijroya case also does not impress us. Not only was there no rule, like we have in the present case, it was only while declaring the result, the requirement of submitting the OBC certificate

before the cut-off date was introduced by the Selection Authority there. Moreover, unlike the present, there was no contention or issue raised in that case that eligibility enures or crystalises only on the issuance of the certificate and on possession of the certificate, before the prescribed cut-off date.”

27. Not only that the Hon'ble Supreme Court recorded the above findings, but further went on to hold that the judgment in the case of **Ram Kumar Gijroya (supra)** is in direct conflict with the judgment of Three Judges Bench in the case of **Ashok Kumar Sharma versus Chander Shekhar [(1997) 4 SCC 18]**. In the case of **Ashok Kumar Sharma (supra)**, it has been held that the proposition that where applications are called for prescribing a particular date as the last date for filling the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone. It has also held that a person, who acquires the prescribed qualification subsequent to the prescribed date cannot be considered at all. Reasoning has also been given by the Hon'ble Supreme Court in the said judgment. The observations of the Hon'ble Supreme Court in the case of **Ashok Kumar Sharma (supra)** have been noted and quoted by the Hon'ble Supreme Court at paragraph 62 of the judgment in the case of **Divya (supra)** which reads as under: -

“62. The judgment in Ram Kumar Gijroya case is also directly in conflict with the judgment of three Hon'ble Judges in Ashok Kumar Sharma v. Chander Shekhar wherein in para 6, it was held as under: (Chander Shekhar case, SCC pp. 21-22)

“6. ... So far as the first issue referred to in our Order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr. T.K. Thommen and V. Ramaswami, JJ) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be adjudged with reference to that date and that date alone is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date, cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the

persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis.”

28. The Hon'ble Supreme Court also took note of the reference of **Ram Kumar Gijroya's** case before a Three Judges Bench in the case of **Karn Singh Yadav (supra)**. The Court also noted that **Karn Singh Yadav (the Two Judge Bench Order)** echoed the ratio of Three Judges Bench in **Ashok Kumar Sharma (supra)** though there was no express reference. The Hon'ble Supreme Court further noted that the reference was not answered by the Three Judges Bench, but even considering that **Karn Singh Yadav (supra)** is covered by **Ram Kumar Gijroya (supra)** the Court denied relief to **Karn Singh Yadav**. The Hon'ble Supreme Court, thus, at paragraph 63 of the judgment in the case of **Divya (supra)** arrived at a conclusion that **Ram Kumar Gijroya** is distinguishable.

29. The Hon'ble Supreme Court at paragraph 64 of the judgment in the case of **Divya (supra)** has followed the Three Judges judgment in the case of **Ashok Kumar Sharma (supra)** as the same is a binding precedent, and the principle laid down in **Ashok Kumar Sharma (supra)** has been reiterated.

30. Another issue, which was dealt with by the Hon'ble Supreme Court in the case of **Divya (supra)** is challenge thrown to the cutoff date on the ground that the same being ultra vires to Article 14 of the Constitution of India. At paragraph 68 of the judgment in the case of **Divya (supra)**, the Hon'ble Supreme Court dealt with the challenge and held that fixing a last date for submission of application is valid. It also reiterated that where under the Rules cutoff date is not prescribed, the last date for fulfilling the eligibility is the last date of submission of application. The said date is a judicially recognized default date. It is necessary to quote paragraph 68 of the judgment in the case of **Divya (supra)**, which reads as under: -

“68. The challenge made in the writ petition to declare Rules 13, 27(3) and 28 to the extent it prescribes that candidate must be in possession of an EWS certificate as on the closing date of the application for preliminary examination to be ultra vires Article 14 is only to be stated to be rejected. There is no case made out to show that the cut-off of 22-2-2022 was picked out of the hat. That was the last date for submission of the application and, according to us, it was a validly prescribed cut-off. In fact, the law laid down by this Court as discussed hereinabove is, where there is absence of any rule or absence of any prescription, the last day for

fulfilling the eligibility is the last date of submission of the application. This is a judicially recognized default date. In this case the last date for filing of the application has been prescribed as the cut-off in the Rules and we see absolutely no case for violation of Article 14.”

31. In the case of ***Divya (supra)***, the Hon'ble Supreme Court also took note of the law that if a defect in the application form, which renders a candidate ineligible, is not highlighted or is overlooked initially and even if the candidate is called for interview, that does not give any right to the candidate to be selected. It is held that once the defect in the application comes to light, the candidate can be held ineligible for selection at a later stage also. In this context, it is necessary to quote paragraph 84 of the judgment in the case of ***Divya (supra)***, which reads as under: -

“84. In T. Jayakumar v. A. Gopu, it has been held that the defect in the application form which renders the candidate ineligible even if overlooked in the initial screening and even if the candidate is called for the interview, does not disentitle the examining body to hold the candidate ineligible for selection at a later stage, once the defect in the application comes to light.”

32. In the context of the present batch of cases, the word “eligible” gains prominence. In the case of ***Divya (supra)***, in relation to selection of a person, this word, ‘eligible’ as noted by the Hon'ble Supreme Court means that a person should be legally qualified, or fit to be chosen.

33. Thus, from the crux of the judgment in the case of ***Divya (supra)***, as noted above, if a cut-off date / last date is fixed for submitting documents by the Rules, the same has to be followed and in absence of any cut-off date / last date in the Rules, the cut-off date / last date mentioned in the advertisement has to be strictly followed and if there is no cut-off date / last date in the advertisement also, then the last date for filing of application should be treated to be the cut-off date / last date. As per the said judgment, the cut-off date / last date is sacrosanct and the conditions and eligibility criteria mentioned in the advertisement must be read in harmony with the cut-off date. The cut-off date / last date neither can be changed nor any authority can impliedly shift the cut-off date by giving relaxation to fulfill the criteria, which ought to have been fulfilled by the candidate within the said cut-off date. Further, from the said judgment, it is also clear that the decision in the case of ***Ram Kumar Gijroya (supra)*** is not in consonance with the Three Judges Bench Judgment in the case of ***Ashok Kumar Sharma (supra)***. It is the

judgment of **Ashok Kumar Sharma (supra)** [Three Judges Bench Judgment] which holds the field.

34. Further, in view of **Ashok Kumar Sharma (supra)** as relied upon, it is also clear that a person, who acquires prescribed qualification after the cut-off date is not eligible to be considered and they cannot get any preferential treatment. The prescribed qualification, in the context of these cases, is possessing a valid caste certificate / necessary certificate issued by the competent authorities in a prescribed format as on the cut-off date / last date.

35. In the case of **Sakshi Arha versus The Rajasthan High Court & Others [2025 INSC 463] [2025 SCC OnLine SC 757]** the Hon'ble Supreme Court also considered a similar issues. In the said case, the candidates, who participated in the examination, belonged to Backward Classes (non-creamy layer), Most Backward Classes (non-creamy layer) and Economically Weaker Section. They were successful in the preliminary examination and mains examination in their respective categories, which they claimed. However, as none of those candidates had their certificates issued as on the date specified in the subsequent notices, they were not included in the list of the candidates to be called for interview. This led to the litigation before the High Court of Rajasthan and thereafter before the Division Bench, wherein the conditions imposed by the Rajasthan High Court were challenged. In those cases also, heavy reliance was placed upon the judgment in the case of **Ram Kumar Gijroya (supra)** by the petitioners. While deciding the issue in the case of **Sakshi Arha (supra)**, the Hon'ble Supreme Court, considering **Bhupinderpal Singh (supra)**, reiterated that the eligibility criteria for the candidates shall be determined pertaining to the cut-off date fixed by the Rules applicable in respect of service and in case of silence of Rules in prescribing the cut-off date, ideally, it would be the date indicated in the advertisement. It also held that in absence of specifications in both, the eligibility is to be adjudged keeping in view the last date of submission of applications before the concerned authority or institute. This is a clear temporal reference point for evaluating qualifications of a candidate as per the advertisement. It is necessary to quote paragraph 27 of the judgment in the case of **Sakshi Arha (supra)** which reads as under: -

"27. On the subject of absence of last date to showcase their eligibility by a candidate apropos their equivalent claim, this

Court clarified the correct position of law in its decision in Bhupinderpal Singh and Others v. State of Punjab and Others, where, while upholding the view taken by High Court of Punjab and Haryana, held that the eligibility criteria for candidates aspiring public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged in lieu of the last date of submission of applications before the concerned authority or institute. This, thereby, ensures a clear temporal reference point for evaluating qualifications of a candidate as per the concerned advertisement.”

36. The judgment in the case of **Sakshi Arha (supra)** also takes note of the judgment in the case of **Divya (supra)**. The Hon'ble Supreme Court further went on to apply the legal maxim *ignorantia juris non excusat* in the case. It also held that not only it is a requirement to produce a valid certificate of their claims as per Rules but also in the prescribed format. It is necessary to quote paragraph 32 of **Sakshi Arha (supra)** which reads as under: -

“32. The well-read legal minds, as the Appellants before us, cannot certainly, escape from the clutches of the principle laid down through the Latin maxim of ignorantia juris non excusat, which translates in literal English to “ignorance of the law is no excuse”. The Advertisement certainly required them to produce a valid certificate to their claim as per the rules and instructions, and in the prescribed format.”

37. The Supreme Court in the case of **Sakshi Arha (supra)** not only reiterated the judgment of **Divya (supra)** on the issue of cut-off date and its importance and the **requirement to file certificates within the cut-off date but also considers that the said certificates should be in the prescribed format** [emphasis supplied by us].

38. Be it noted that the case **Sakshi Arha (supra)** has been decided by a Three Judges Bench of the Hon'ble Supreme Court on 8th April, 2025, wherein the Two Judges Bench decision of **Ram Kumar Gijroya (supra)** has also been distinguished.

SUMMARY ON ANALYSIS OF REFERENCE QUESTIONS (A) & (C)

39. To summarise, from what has been held above, it is clear that : -

- (a) If a cut-off date is fixed for submitting documents by the Rules, the same has to be followed and in absence of any cut-off date in the Rules, the cut-off date mentioned in the

advertisement has to be strictly followed and if there is no cut-off date in the advertisement also, then the last date of application should be treated to be the cut-off date. The cut-off date is sacrosanct and the conditions and eligibility criteria mentioned in the advertisement must be read in harmony with the cut-off date. The cut-off date cannot be changed nor any authority can impliedly shift the cut-off date by giving relaxation to fulfill a criteria, which ought to have been fulfilled by the candidate within the said cut-off date.

It is also clear that a person, who acquires prescribed qualification after the cut-off date is not eligible to be considered and they cannot get any preferential treatment. Possessing a valid caste certificate / necessary certificate issued by the competent authorities in a prescribed format on the cut-off date is the prescribed qualification.

ANALYSIS OF REFERENCE QUESTION (B)

40. Now, we have to consider Clause 9(gha) of the Advertisement No.02 of 2016 and similar stipulation in other advertisements. Clause 9(gha) of the said advertisement reads as under: -

“9(घ) झारखण्ड राज्य के उम्मीदवार जो अनुसूचित जाति / अनुसूचित जनजाति / पिछड़ा वर्ग-I (B.C.I) पिछड़ा वर्ग-II (B.C.-II) के हैं, को आरक्षण का लाभ प्राप्त करने के लिए झारखण्ड राज्यन्तर्गत उपायुक्त / अनुमंडल पदाधिकारी स्तर से क्रमशः कार्मिक प्रशासनिक सुधार तथा राजभाषा विभाग झारखण्ड सरकार का ज्ञापांक 5682 दिनांक 22.10.2008 एवं ज्ञापांक 10007 दिनांक 29.08.2012 द्वारा निर्गत निर्धारित विहित प्रपत्र-I अथवा प्रपत्र-II का विवरण ऑनलाईन आवेदन पत्र में प्रविष्ट करेंगे। अन्यथा अभ्यर्थी अनारक्षित कोटि के माने जायेंगे। निर्धारित प्रपत्र आयोग के वेबसाइट – www.jpsc.gov.in पर उपलब्ध है।”

As per English translation of the aforesaid provision, this clause provides that to get the benefit of reservation under the Scheduled Caste/ Scheduled Tribe/ Backward Class-I and Backward Class-II categories, a candidate for the State of Jharkhand has to obtain caste certificate from the Deputy Commissioner of a District within the State of Jharkhand or the Sub Divisional Officer within the State of Jharkhand in terms of Memo No. 5682 dated 22.10.2008 and Memo No.10007 dated 29.08.2012. It has also been specifically mentioned that in absence of the said certificate, all the applicants

who are claiming reservation, shall be treated to be candidates under General Category.

The said mandate is specific and there is no ambiguity. This clause provides that a candidate must possess a Caste Certificate in a proper format, duly issued by the authority mentioned therein, i.e., Deputy Commissioner or the Sub Divisional Officer of the State of Jharkhand.

41. These are the only two authorities, who are prescribed to issue the Caste Certificate. Any Caste Certificate issued by any other authority except these two are to be treated to be invalid and not in accordance with the advertisement. As per the said clause, Caste Certificate should be in the format as envisaged in Memo No.5682 dated 22.10.2008 and Memo No.10007 dated 29.08.2012 issued by the Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand.

42. We hold that once a specific format and the authority to issue certificate has been prescribed, the same has to be followed strictly. The prescription of a format or designating any authority cannot be said to be violative of Articles 14 and 16 of the Constitution of India as the prescription made is applicable to all concerned without any discrimination.

The caste certificate, which is not in the prescribed format and has not been issued by the authority, as prescribed, cannot be considered. What would be the status of those candidates, who produce such certificates, which is not in a prescribed format as mandated by the Rules or advertisement, has already been taken note of and has been decided by the Hon'ble Supreme Court in the case of ***Mohit Kumar versus State of Uttar Pradesh and Others*** reported in **2025 SCC OnLine SC 1125**.

43. In the case of ***Mohit Kumar (supra)*** decided on 15th May, 2025, the Hon'ble Supreme Court was dealing with the recruitment of Sub Inspector, Civil Police, Platoon Commander, PAC and Fire Fighting Second Officer in the State of Uttar Pradesh. Mohit was not selected and his name was published in the list of non-selected candidate. The ground of rejection was that he did not submit OBC Certificate in the format prescribed at the time of initial recruitment release, thus, he was considered as General candidate instead of an OBC candidate. Be it noted that Mohit Kumar, in his category (OBC) obtained 313.84 marks. The cut-off in the OBC category was 305.42 marks, which is much less than what he has obtained and the cut-off marks in General Category was 316.11, which was more than the marks obtained by Mohit.

Since Mohit Kumar did not produce the certificate in proper format, as mandated by the employer, he was considered to be a general category candidate. Since the marks obtained by Mohit Kumar was less than the cut-off marks for general category candidate, his candidature was rejected.

44. The Hon'ble Supreme Court took note of the fact in paragraph 9(iii) that both Mohit and Kiran submitted their OBC (NCL) Caste Certificate in the format prescribed for appointment to the Central Government, and not the one prescribed for the State Government, as mandated by clause 5.4(4). Since Mohit did not file a certificate in the format as prescribed for the State Government, his candidature was rejected. This means that furnishing of certificates prescribed for appointment to the Central Government was not to be considered when there is a specific direction to furnish a Certificate in a proper prescribed format for employment in the State Government. After taking note of the facts and the arguments, the issue which the Hon'ble Supreme Court felt to be answered in the case of ***Mohit Kumar (supra)*** is whether the Recruitment Board was bound to accept the OBC Certificate furnished by the candidate, which admittedly were not in the format prescribed in the Recruitment Notification. It is necessary to quote paragraph 12 of the judgment in the case of ***Mohit Kumar (supra)***, which reads as under: -

“12. The issue that arises for consideration is, whether UPPRPB was bound to accept the OBC certificates submitted by Mohit and Kiran which, admittedly, were not in the format prescribed in the Recruitment Notification.”

45. While deciding the aforesaid issue, the Court relied upon the judgment in the case of ***Registrar General, Calcutta High Court versus Shrinivas Prasad Shah*** reported in ***(2013) 12 SCC 364***. The Hon'ble Supreme Court held that irrespective of whether a candidate belongs to a particular community like Scheduled Tribe, Scheduled Caste or Other Backward Class, the status claimed by him for getting the form of reservation is *per se* not decisive. The status has to be certified by the competent authority upon following the due process of identification, which an aspirant is claiming for. The Hon'ble Supreme Court went on to hold that even if there is no statutory mandate in respect of a format, then also the requirement in question is no less mandatory and must be scrupulously followed. Further the Court went on to hold that all aspirants are entitled to equal treatment. There cannot be different yardsticks for different aspirants. What would be the consequence

of non-compliance of the conditions has also been highlighted by the Hon'ble Supreme Court. The Hon'ble Supreme Court held that adverse consequence is bound to be triggered if the terms of the advertisement are not complied with. The aspirants claiming the status to get reservation, if he is not adhering to the terms, he must face the adverse consequences. It has also been observed that appointing authority or the selecting body would be justified in not entertaining the application of an aspirant as a member of the community for whom the reservation is permitted. It is necessary to quote paragraph 14 of the judgment in the case of **Mohit Kumar(supra)**, which reads as under: -

“14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. In Shrinivas Prasad Shah (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate. Although there is no such statutory mandate in the facts of the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.”

46. The Hon'ble Supreme Court further went on to hold that the terms of an advertisement in connection with selection process are normally not open to challenge unless the challenge is on the ground of violation of Article 14 or 16 of the Constitution of India. As per the said judgment, the duty is upon the aspirants to read the condition and note down the terms and understand the requirements. In case where there is ambiguity in the terms and conditions, what is the remedy available to a candidate has also been mentioned in the aforesaid judgment. It has been held that if the candidate appears in the examination and participates in the process and takes calculated chance, based on his understanding of the disputed terms of the advertisement and later on he emerges unsuccessful, ordinarily, it would not be open to him to

challenge the selection on the ground that the disputed terms is capable of being understood differently. In this type of situation, the Hon'ble Supreme Court held that the Courts should be loath to entertain such plea of ambiguity and preference to be given to accept the Recruiting Authority's understanding of the term. The Recruiting Authority is the best judge as to what is its requirement and it is such understanding of the Recruiting Authority that would matter. It is necessary to quote paragraph 19 of the judgment in the case of **Mohit Kumar (supra)**, which reads as under: -

“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for any inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.”

47. Thus, the aforesaid judgment crystalises the issue that merely being ST/SC or OBC will not give an aspirant a right to be appointed against the reserved category, rather the said status has to be certified by the competent authority following due process of identification. This certification is

a certificate issued by the competent authority as prescribed and also in the prescribed format as mandated by the Rules or in the advertisement.

48. From the judgment and the facts of the case of **Mohit Kumar (supra)** it is clear that if there are different prescribed formats for obtaining Caste Certificate for employment in Central Government and in State Government and if there are two types of formats, the candidate must furnish the certificate in the format as mandated by the employer for considering his candidature for employment. One format cannot substitute the other, where there is a specific mandate in the advertisement.

49. Taking a cue from **Mohit Kumar (supra)**, it is clear that if a candidate furnishes caste certificate in the format prescribed for employment in the Central Government, for an application seeking appointment under the State Government, the same cannot be said to be in a proper format and his claim for reservation can be rejected.

50. Article 335 of the Constitution of India provides for Claims of Scheduled Castes and Scheduled Tribes to services and posts, said article reads as under: -

“335: Claims of Scheduled Castes and Scheduled Tribes to services and posts— The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”

51. In the context of the reference (B), we find that Article 335 of the Constitution of India has got no application, as it is not a case that members of Scheduled Castes / Scheduled Tribes are overlooked or have not been given any relaxation neither it is the case that they were not even considered. The Clause 9(gha) only fortifies the claim of the Scheduled Tribes and Scheduled Castes with a certificate about their status, prescribed from a competent authority and in a prescribed format only. The right of the class as a whole is well preserved and safeguarded and not infringed by Clause 9(gha) in any manner. It has only prescribed the essential requirement, which an individual

of that group must possess either on the cut-off date as prescribed by Rule or advertisement or where both are silent, on the last date of application.

SUMMARY ON ANALYSIS OF REFERENCE QUESTION (B)

52. The off shoot of the analysis and the judgments is that a candidate must adhere to the conditions and requirements, which have been prescribed in the Rules. There cannot be any deviation. Certificate, which has been prescribed to be furnished in a proper format should be in the format as prescribed. Similarly, if an authority has been prescribed to issue the said certificate, the certificate issued by the said authority only will be accepted. Certificate issued by any other authority, which is not in the format cannot be accepted. Further, Article 335 of the Constitution of India has no application in this matter, inasmuch by prescribing an authority and the format, the Scheduled Caste / Scheduled Tribe / Other Backward Class as a whole is not excluded from getting the benefit of reservation. It is only an individual in that group, who does not qualify or does not possess the requisite qualification / certificate is debarred. Disqualifying an individual within the class cannot be said to be deprivation of entire class.

ANSWER TO THE REFERENCE

53. In view of what has been observed and discussed above and in the light of the judgments of the Hon'ble Supreme Court in the cases as cited hereinbefore, answer to Reference Questions are as follows: -

- (A) ***Ram Kumar Gijroya (supra)*** cannot be applied irrespective of the facts of the case nor can it be applied if the caste certificate is not produced on or before the cut-off date as prescribed either by the Rules governing the employment or by the advertisement or in case if no date is prescribed, in either of the two, then on the last date of submission of application.
- (B) The Clause 9(gha) of the advertisement, which stipulates for obtaining caste certificate from the authority prescribed and how a candidate shall be treated in absence of such certificate, by no means

violates Article 14, Article 16 or Article 335 of the Constitution of India.

- (C) Fixing/providing a condition in the advertisement that the caste certificate in a proper format should be in possession of the candidate on the last date of making the application cannot be said to be in exercise of excessive delegation of power neither it is beyond the power conferred upon the Jharkhand Public Service Commission / Jharkhand Staff Selection Commission. Further, in absence of possession of the caste certificate in proper format on the last date of making the application or the cut-off date prescribed in the Rules or that in the Advertisement, treating the candidate as a candidate of un-reserved category is also not illegal nor the same can be considered to be an exercise of excessive delegation of power neither it is beyond the power conferred upon the Jharkhand Public Service Commission / Jharkhand Staff Selection Commission

54. Reference, which has been made before this Full Bench is answered accordingly. All the connected matters be placed before an appropriate Bench(es), as per the roster for decision on individual cases on merits.

(Ananda Sen, J.)

Per Tarlok Singh Chauhan, C.J.

I Agree

(Tarlok Singh Chauhan, C.J.)

Per Rajesh Shankar, J. (Concurring)

55. I have gone through the erudite judgment authored by learned brother Ananda Sen, J. and I respectfully agree with the view taken by him. However, since the issues involved in the present batch of cases are of larger

importance, I think it appropriate to put my own views on the issues referred by the learned Division Bench.

56. The learned Division Bench has referred the present batch of appeals to this court observing that in almost similar fact-situation there are conflicting views of different Division Benches of this court as in some cases, the ratio laid down in the case of **Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board & Another** reported in **(2016) 4 SCC 754** has been followed, whereas in some other cases, it has been distinguished/not relied upon.

The learned Division Bench has observed that in **Jharkhand Staff Selection Commission Vs. The State of Jharkhand & Others (L.P.A. Nos. 610 of 2017 and 618 of 2017)**, a Division Bench of this court by relying on the judgment rendered in the case of **"Ram Kumar Gijroya"**, sustained the direction of the Writ Court to accept caste certificates and domicile certificates of the successful candidates who were denied appointments on the ground that they had failed to submit the requisite certificates before the date notified for document verification.

It has further been observed that in the cases of **Prem Chand Kumar Vs. the State of Jharkhand & Others (L.P.A. No. 469 of 2015)** and in **Staff Selection Commission Vs. The State of Jharkhand & Others (L.P.A No. 57 of 2018)**, the two separate co-ordinate Benches of this Court have held that once a candidate fails to comply with the requirements under the advertisement for appointment inasmuch as caste certificate is not furnished in proper format within the stipulated time or a different caste certificate is produced at the time of verification of the documents, his candidature shall be treated under unreserved category.

The learned Division Bench has also observed that in the case of **Dr. Sweta Kumari @ Sweta Kumari Vs. The State of Jharkhand & Others (L.P.A No. 91 of 2020)**, a co-ordinate Bench of this court has held that a candidate who has failed to submit the requisite caste certificate in proper format as per the terms and conditions of the advertisement up to the last date of submission of application form must suffer the consequences as provided in the said advertisement.

57. Observing so, the learned Division Bench has referred the present batch of L.P.As to the present Larger Bench for determination the following issues: -

- A.** Whether “Ram Kumar Gijroya” must be applied in every case irrespective of the facts of the case, provided the caste certificate is produced at the time of verification of the documents?
- B.** Whether Clause 9(gha) in the Advertisement No. 2 of 2016 and a similar stipulation in the other advertisements run contrary to the Constitutional mandate under Article 14, 16 and 335 of the Constitution of India?
- C.** Whether providing a condition in the advertisement that the caste certificate in the proper format should be in possession of the candidate on the last date for making the application failing which his/her candidature shall be considered under unreserved category is an exercise of excessive delegation of power and/or beyond the powers conferred upon the Commission?

58. Since the facts of the cases have already been set out in details by brother Sen, J., there is no need to reiterate the same. Suffice it to mention that in LPA No. 64 of 2020, the appellant has taken a plea that though she was in possession of a caste certificate issued in the proper format, yet mistakenly she entered details of another caste certificate in her online application form which was not in the proper format, as required under Clause 9 (gha) of the Advertisement No. 02 of 2016.

Some of the appellants in other Letters Patent Appeals have also pleaded somewhat a similar situation i.e., (i) though they might not be in possession of the caste certificate in proper format as on the last date of making the applications, however, they produced the required caste certificates at the time of verification of the documents, (ii) some of them were permitted to appear for the interview in their caste category, or (iii) their certificates were accepted at the time of verification of the documents.

59. Thrust of the argument of the learned counsel for the appellants is that though the appellants secured marks more than the cut off marks in their respective categories, yet their candidatures were considered under unreserved category on the ground that they failed to enter the particulars of their caste certificates issued by the competent authority in prescribed format in their online application forms as required under the concerned

advertisements which is illegal, arbitrary and violative of Articles 14, 16 and 335 of the Constitution of the India.

60. Let us now examine the law so as to answer the issues formulated by the learned Division Bench :-

Re:- A. Whether “Ram Kumar Gijroya” must be applied in every case irrespective of the facts of the case, provided the caste certificate is produced at the time of verification of the documents?

61. In the case of **Ram Kumar Gijroya (Supra.)**, the fact was that the appellant was not selected for the advertised post on the ground that he had failed to submit the OBC certificate issued by the appropriate authority along with application form before the last date of submission of the same. Moreover, the requirement of submitting the OBC certificate before the cut-off date of the application was introduced by the respondent-Delhi Subordinate Services Selection Board only while declaring the result on 15.12.2008.

In the said case, Their Lordships considered the judgment of learned Single Judge of Delhi High Court rendered in the case of **Pushpa vs. Govt., NCT of Delhi & Others** reported in **2009 SCC OnLine Del 281** and held that the same was in conformity with the proposition of law laid down in the case of **Indra Sawhney & Others vs. Union of India & Others** reported in **1992 Supp (3) SCC 217** and **Valsamma Paul (Mrs.) vs. Cochin University & Others** reported in **(1996) 3 SCC 545**.

It was further held that the Division Bench of Delhi High Court had erred in reversing the judgment and order passed by the learned Single Judge without noticing the binding precedent of **Indra Sawhney (Supra.)** and **Valsamma Paul (Supra.)** wherein after interpretation of Articles 14, 15, 16 and 39-A of the Constitution of India and the Directive Principles of the State policy, it was held that the object of providing reservation to the SCs/STs and educationally/socially backward classes of the society is to remove inequality in public employment, as the candidates belonging to these categories are unable to compete with the candidates belonging to the general category on account of facing centuries of oppression and deprivation of opportunity. The constitutional concept of reservation envisaged in the Preamble of the Constitution as well as Articles 14, 15, 16 and 39-A of the Directive Principles

of the State policy is to achieve the concept of giving equal opportunity to all sections of the society.

62. In the case of **Karn Singh Yadav Vs. Government of NCT of Delhi & Others** reported in **(2024) 2 SCC 716**, the Hon'ble Supreme Court held that the judgment of **Pushpa (Supra.)** was passed under a peculiar circumstance where the fact was that the office of the competent authority took considerable time to make the required OBC certificate available despite the applicant having filed an application before the concerned Sub-Divisional Officer for obtaining the same much prior to the date of issuance of the advertisement and for which the applicant could not be made to suffer.

It was further held that in the course of recruitment process, many persons, though they belonged to the OBC category or SC/ST category, might not have obtained the required caste certificate before the cut-off date. Such persons, being law abiding and conscious of the bar contained in the notification of the cut-off date, might not have applied seeking employment. In case, the authority starts accepting caste certificates subsequent to the prescribed cut-off dates whenever a candidate approaches it, the remaining candidates who had not applied, would definitely be affected. If the applicants are allowed to submit certificates in proof of their claim of reservation subsequent to the notified cut-off date, it would create administrative chaos.

Having observed so, Their Lordships referred the matter to the Larger Bench of three judges for reconsideration of the issue fell in **Ram Kumar Gijroya (Supra.)**.

63. Thereafter, the said case was placed before the Larger Bench of the Hon'ble Supreme Court and Their Lordships vide judgment rendered in **Karn Singh Yadav vs. Government of NCT of Delhi & Others** reported in **(2024) 2 SCC 588** disposed of the case by observing that the fact and situation of the said case was identical to the case of **Ram Kumar Gijroya (Supra.)**. However, no relief was granted to the appellant of the said case observing that due to cancellation of the candidature, the appellant was never appointed to the post in question and at that point of time it was not possible to grant any substantial relief to the appellant.

64. The judgments of **Ram Kumar Gijroya (Supra.)** and **Karn Singh Yadav (Supra.)** were also considered in the case of **Divya Vs. Union of India & Others** reported in **(2024) 1 SCC 448**, wherein Their Lordships distinguished the fact of that case with that of **Ram Kumar Gijroya (Supra.)**

and observed that in the case of **Ram Kumar Gijroya (Supra.)** there was no rule regarding requirement of submitting the OBC certificate before the cut-off date, rather the same was introduced by the selection authority at the time of declaring the result.

It was further observed that in the case of **Ram Kumar Gijroya (Supra.)**, there was no contention or issue raised that the eligibility enured or crystallized only on issuance of the certificate and on possession of the certificate before the prescribed cut-off date.

Their Lordships further observed that the judgment of **Ram Kumar Gijroya (Supra.)** was also directly in conflict with the judgment of Three Judges Bench of the Hon'ble Supreme Court rendered in the case of **Ashok Kumar Sharma & Others Vs. Chander Shekhar & Another** reported in **(1997) 4 SCC 18** wherein it was held that if applications were called prescribing a particular date as the last date for filing the same, the eligibility of the candidates was required to be judged with reference to that date alone. It was further held that a person who acquired the required qualification subsequent to such prescribed date, was not needed to be considered at all. An advertisement or notification issued/published calling for applications constituted a representation to the public and the authority issuing it was bound by such representation who could not act contrary to it. One reason behind this proposition is that if it were known that the persons who obtained the qualification after the prescribed date, but before the date of interview, would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualification by the cut-off date, they could not have been treated on a preferential basis.

In the said case, Their Lordships finally held that they were bound to follow the judgment of the three-Judges' Bench rendered in the case of **Ashok Kumar Sharma (Supra.)**.

65. In a recent judgment rendered in the case of **Mohit Kumar Vs. State of Uttar Pradesh and Others** reported in **2025 SCC OnLine SC 1125**, the issue was as to whether the Uttar Pradesh Police Recruitment and Promotion Board was bound to accept the OBC certificates submitted by the concerned persons, namely, Mohit and Kiran which, admittedly, were not in the format prescribed in the recruitment notification.

In the said case, Their Lordships in a very unambiguous term held as follows:-

“14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. In Shrinivas Prasad Shah (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate. Although there is no such statutory mandate in the facts of the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of aspirants. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.

15. The proposition of law as settled by the above decision does not appear to have been doubted in any subsequent decision and we do hereby endorse the same.”

66. I have also perused the judgment of **Sakshi Arha Vs. The Rajasthan High Court & Others** reported in **2025 SCC OnLine SC 757** wherein the Hon'ble Supreme Court by referring the earlier judgments i.e. **Rekha Chaturvedi (Smt.) Vs. University of Rajasthan & Others** reported in **1993 Supp (3) SCC 168**, **Bhupinderpal Singh & Others Vs. State of Punjab & Others** reported in **(2000) 5 SCC 262**, **Ashok Kumar Sonkar Vs. Union of India** reported in **(2007) 4 SCC 54** and **Divya (Supra.)** has held that the claim made by a candidate while filing his or her application as per the concerned advertisement is to hold good as on the date of his or her application or as per the last date of submission of application prescribed by the concerned advertisement.

In the said case, Their Lordships have distinguished the judgment of **Ram Kumar Gijroya (Supra.)** from the fact of that case observing as follows: -

*“38. Significant reliance is placed by the Appellants on the 2-Judge Bench decision of this Court in **Ram Kumar Gijroya (supra)**. A perusal of the decision rendered by the High Court of Delhi on the factual matrix therein is evidently distinct. The same, thus, cannot come to the rescue of the Appellants. In the instant case, it is not a contention of Appellants that they are missing a valid proof of attainment of their particular qualification or right. No candidate before us has a claim that they, to begin with, already availed and established their eligibility, or had applied for a NCL category certificate and issuance of the same is delayed at the behest of the competent authority. The ratio, therefore, in the relied judgment would not apply.”*

67. It may be construed from the aforesaid judicial pronouncements that the judgment of **Ram Kumar Gijroya (Supra.)** was delivered in the peculiar fact and circumstance of the said case where the cut-off date for submitting OBC certificate was not given in the advertisement, rather the same was introduced by the respondent-Delhi Sub-ordinate Services Selection Board only while declaring the result. The judgment of **Pushpa (Supra.)** which was strongly relied upon by the Hon'ble Supreme Court in **Ram Kumar Gijroya (Supra.)** was also delivered in the circumstance where the applicant had moved an application for obtaining OBC certificate much prior to the date of issuance of the advertisement, however, the office of the competent authority took considerable time to make the required OBC certificate available. The judgment of **Ram Kumar Gijroya (Supra.)** was factually distinguished by the Hon'ble Supreme Court in the judgment rendered in the cases of **Divya (Supra.)** and **Sakshi Arya (Supra.)**.

68. In the case of **Divya (Supra.)**, Their Lordships have held that the determination of eligibility cannot be left uncertain till the final stage of selection since the same would lead to uncertainty. If rules prescribe the last date on which the eligibility should be possessed, any relaxation would prejudice non-applicants who for want of possession of eligibility would not have applied. In the said case, Their Lordships have further held that the judgment of **Ram Kumar Gijroya (Supra.)** was in direct conflict with the judgment rendered by the three judges' Bench in the case of **Ashok Kumar Sharma (Supra.)**.

69. In a recent judgment rendered in the case of **Mohit Kumar (Supra.)** on the issue as to whether the recruiting authority is bound to accept the OBC certificate of a candidate which was not in the format prescribed in the recruitment notification, their Lordships have held that irrespective of

whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive and such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be.

70. From the aforesaid legal position, it emerges that the case of **Ram Kumar Gijroya (Supra.)** will not apply in every case. In **Ram Kumar Gijroya (Supra.)**, the issue was not as to whether even after the cut-off date for submitting caste certificate as prescribed in the advertisement, the same can be accepted after the cut-off date. If the cut-off date for having a proper caste certificate by a candidate is stipulated in the applicable Rule, the candidate is bound to follow the said cut-off date, failing which his candidature will be considered under general category. If rule is silent, then the candidates are bound by the cut-off date fixed in the advertisement whereas if both the rule and advertisement are silent, then the eligibility of a candidate will be judged on the last date of filing of application and neither the candidate nor the recruiting authority is allowed to deviate from it. A person who acquires the prescribed qualification subsequent to such date, the same cannot be considered at all. The purpose of laying down such a principle is that if relaxation is given in accepting the caste certificates after the cut-off date fixed in the advertisement, it will be prejudicial to the candidates who did not apply believing themselves ineligible to fill the form for want of proper caste certificate. Thus, any relaxation given to a candidate for submitting caste certificate will then be selective leading to discrimination.

Issue No. 'A' is answered in the above terms.

Re:- B. Whether Clause 9(gha) in the Advertisement No. 2 of 2016 and a similar stipulation in the other advertisements run contrary to the Constitutional mandate under Articles 14, 16 and 335 of the Constitution of India?

71. I have perused Clause 9(gha) of the Advertisement No. 02/2016 which unambiguously stipulates that each candidate who is the resident of Jharkhand State and belongs to ST/SC/BC-I/BC-II category has to fill the particulars of his/her caste certificate issued by the Deputy Commissioner/Sub-Divisional Officer in the prescribed Form-I or Form-II as provided by the Department of Personnel, Administrative Reforms and Rajbhasa, Government

of Jharkhand vide Memo No.5682 dated 22.10.2008 and Memo No.10007 dated 29.08.2012 in his/her online application form. Otherwise, the concerned candidate will be treated under the general category.

72. The aforesaid clause in unequivocal terms has communicated all the candidates belonging to a reserved category that in case the particulars of their caste certificates issued by the competent authority in the prescribed formant are not filled up in their online application forms, it will be presumed that they do not seek to claim the benefit of reservation and their claim for reservation shall consequently stand negated treating them as candidates falling under the general category.

73. The compliance of Clause 9(Gha) of the said advertisement has not been made optional but is mandatory for all the candidates claiming the benefit of reservation. When the Commission holds public examinations on such a large scale, candidates must be clearly aware of the fact that it is not open to them to decide as to when the caste certificate in the proper format will be obtained from the competent authority.

74. Article 14 of the Constitution of India guarantees the right to equality delineating that the State shall not deny any person equality before the law or the equal protection within the territory of India.

75. Article 16 of the Constitution guarantees equality of opportunity in public employment for all citizens ensuring no discrimination based on religion, race, caste, sex, descent, place of birth, or residence. It also allows the State to make provisions for affirmative action like reservation of Backward Classes, Scheduled Castes, Scheduled Tribes, and Economically Weaker Sections (EWS) to ensure substantive equality in society. The article also permits the Parliament to make laws with respect to certain employment or any requirement as to residence within States or Union territories and allows for non-exclusion of the "creamy layer" in reservation matters for government posts.

76. Article 335 of the Indian Constitution states that the claims of the members of Scheduled Castes (SC) and Scheduled Tribes (ST) must be considered in appointments to various services and posts in connection with the affairs of the Union or a State, with the caveat that the efficiency of the administration is maintained. It includes a proviso that allows for relaxation in qualifying marks or evaluation standards to promote SC/ST members, subject to overall efficiency of the administration.

77. None of the aforesaid Articles debars the Commission to fix a condition that the reserved category candidates who want to claim reservation, have to obtain their caste certificates issued by the competent authority in the prescribed format before filling of the application form. It is not the case of the writ petitioners/appellants that reservation rule applicable in the State of Jharkhand is not being followed by the Commission. The appellants actually claim for deviation from the terms and conditions of the advertisement and if such claim is accepted, the same will be prejudicial for the other reserved category candidates who have duly followed the terms and conditions of the advertisement and will be ousted from the merit list after inclusion of the appellants.

78. Right to equality enshrined in Article 14 of the Constitution of India will apply to those who are on equal footing. The appellants are not on equal pedestal with those who have properly abided by the conditions of the advertisement, rather they are to be equated with the persons who had not applied for want of proper caste certificates. Thus, granting any exemption to the appellants would amount to violation of Article 14 of the Constitution of India.

79. Undoubtedly, Article 16 of the Constitution of India guarantees the fundamental right of equal opportunity to all citizens in the matters of public employment, but this does not confer the right to be appointed against an advertised post of any government employment. Vacancies in public employment however are to be filled by following the due procedure provided by law. It merely provides for a right to be considered therefor. Hence, how and in what manner the State as well as the concerned Public Service Commission will comply the constitutional requirement of Articles 16 and 335 should ordinarily not be allowed to be questioned.

80. The Hon'ble Supreme Court in the case of **Karn Singh Yadav Vs. State (NCT of Delhi)** reported in **(2024) 2 SCC 716** has raised concern about permitting the rectification of applications after the cut-off date and has held that in view of acute problem of unemployment, whenever few vacancies are notified by any public authority, it is common that thousands of applicants apply for such posts and if the applicants are permitted to rectify applications after the cut-off dates, the same will render the scrutiny process indefinite.

81. Thus, Clause 9(gha) of the Advertisement No.2 of 2016 and a similar stipulation in the other advertisements cannot be said to be against the

constitutional mandate under Articles 14, 16 and 335, rather it has been incorporated in the advertisement for smooth conduction of the examination process. There is a well-known legal maxim *ignorantia juris non excusat* which literally means that ignorance of law is of no excuse. It is the duty of an aspirant for public employment to read and note the terms of advertisement and if he/she finds any of the terms ambiguous, a clarification may be sought. If the aspirant does not make any such effort and takes a calculated chance by appearing in the examination, it is not open for him/her to challenge any of the terms and conditions of the Advertisement after participating in the same.

Issue No. 'B' is thus answered.

Re: - C. Whether providing a condition in the advertisement that the caste certificate in the proper format should be in possession of the candidate on the last date for making the application failing which his/her candidature shall be considered under unreserved category is an exercise of excessive delegation of power and/or beyond the powers conferred upon the Commission?

82. Before delving into the present issue, it would be appropriate to refer few judgments of the Hon'ble Supreme court dealing with the subject as to what would be the cut-off date for considering the suitability and eligibility of a candidate.

83. In the case of ***Dr. M.V. Nair Vs. Union of India & Others*** reported in **(1993) 2 SCC 429**, a three Judges' Bench of the Hon'ble Supreme Court has held that suitability and eligibility have to be considered with reference to the last date of receiving the applications unless the notification calling for applications itself specifies such a date.

84. In the case of ***Rekha Chaturvedi (Smt.) Vs. University of Rajasthan & Others*** reported in **1993 Supp (3) SCC 168**, the Hon'ble Supreme Court held as under: -

“10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed

date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. Reference in this connection may also be made to two recent decisions of this Court in A.P. Public Service Commission v. B. Sarat Chandra (1990) 2 SCC 669; and District Collector and Chairman, Vizianagaram Social Welfare Residential School Society v. M. Tripura Sundari Devi (1990) 3 SCC 655."

85. In the case of **Ashok Kumar Sharma & Others Vs. Chander Shekhar & Another** reported in (1997) 4 SCC 18, a three Judges' Bench of the Hon'ble Supreme Court has held thus: -

"6. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment."

86. In the case of **Bhupinderpal Singh & Others Vs. State of Punjab & Others** reported in (2000) 5 SCC 262, the Hon'ble Supreme Court

has held that the eligibility criteria for candidates aspiring public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, as indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged as on the last date of submission of applications before the concerned authority or institute.

87. In the case of ***Rakesh Kumar Sharma Vs. Govt. of NCT of Delhi & Ors.*** reported in **2013 SCC OnLine SC 674**, the Hon'ble Supreme Court has held as under: -

“17. It also needs to be noted that like the present appellant there could be large number of candidates who were not eligible as per the requirement of rules/advertisement since they did not possess the required eligibility on the last date of submission of the application forms. Granting any benefit to the appellant would be violative of the doctrine of equality, a backbone of the fundamental rights under our Constitution. A large number of such candidates may not have applied considering themselves to be ineligible adhering to the statutory rules and the terms of the advertisement.

There is no obligation on the court to protect an illegal appointment. Extraordinary power of the court should be used only in an appropriate case to advance the cause of justice and not to defeat the rights of others or create arbitrariness. Usurpation of a post by an ineligible candidate in any circumstance is impermissible. The process of verification and notice of termination in the instant case followed within a very short proximity of the appointment and was not delayed at all so as to even remotely give rise to an expectancy of continuance.

The appeal is devoid of any merit and does not present special features warranting any interference by this court. The appeal is accordingly dismissed.”

88. It is thus no more res-integra that in absence of any cut-off date fixed in the rule or in the advertisement, a candidate is required to have an eligibility criterion on the last date of submission of application form. The reason behind it is that in case of uncertainty of date, the candidates who apply for the posts will be unable to ascertain whether they are qualified for the posts in question or not. In such a situation, a candidate who does not possess the requisite qualifications *in praesenti* and is likely to acquire them on an uncertain future date, may also apply for the posts and thus the number of

applications will enormously increase. It also leaves the scope for malpractices as the date of selection may be fixed or manipulated so as to entertain some applicants and reject others arbitrarily.

89. In the case of ***Andhra Pradesh Public Service Commission Vs. Baloji Badhavath*** reported in **(2009) 5 SCC 1**, the Hon'ble Supreme Court has held that the Commission has been constituted in terms of Article 315 of the Constitution of India and it is bound to conduct examination for appointment to the services of the State in terms of the Rules framed by the State, however, it is free to evolve appropriate procedure to conduct the examination. The manner in which the Commission will judge the merit of the candidates is its function. Unless the procedure adopted by it is found to be arbitrary or against the known principles of fair play, the superior courts would not ordinarily interfere therewith.

90. Belonging to a reserved category is one aspect whereas claiming reservation is another aspect of the matter. A person who belongs to a reserved category may or may not claim benefit of reservation. If a person who belongs to a reserved category wishes to compete with the general category candidate, he/she need not file his/her caste certificate, however if he/she wants to claim reservation, he/she has to obtain caste certificate from a competent authority in a proper format. As such, the Commission is not bound to extend benefit of reservation per se on the ground that a candidate belongs to a reserved category, rather before extending such benefit to a candidate, it has to satisfy that the concerned candidate possesses caste certificate issued by a competent authority.

91. These are not the cases where the candidatures of the appellants have been rejected for not having the caste certificates in proper format till the last date of making the applications, rather these are the cases where the appellants have been treated as general category candidates for not filling the particulars of their valid caste certificates in the online application forms as mandated in the respective advertisements. Thus, no arbitrariness is found in the action of the Commission.

92. Thus, the condition incorporated in the aforesaid advertisement to the effect that caste certificate in a proper format should be in possession of the candidate on the last date of making the application failing which his/her candidature shall be considered under unreserved category, cannot be said to

be excessive delegation and/or beyond the power conferred to the Commission.

Issue No. 'C' is answered, accordingly.

93. Let these matters be placed before the appropriate Bench for deciding the same on merits on the basis of the observation made by this Court on the issues referred by the learned Division Bench.

(Rajesh Shankar, J.)

Ranchi,

September 15, 2025

Kumar/Cp-03