



2026:DHC:7110-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010370752026

+ **W.P.(C) 11524/2026 and CM APPL. 53363-64/2026**

NIVEDIKA OJHA

.....Petitioner

Through: **Mr. Nikhil Mehra, Advocate**

versus

UNION OF INDIA & ANR.

....Respondents

Through: **Ms. Maitreyee Jagat Joshi,**
CGSC and Ms. Shikha Yadav for R1

Mr. Ravinder Agarwal, Mr. Manish Kumar
Singh, Mr. Vasu Agarwal, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AMIT MAHAJAN

JUDGMENT (ORAL)

% **12.08.2026**

C. HARI SHANKAR, J.

1. The petitioner is an aspirant for the Civil Services Examination¹ 2006, conducted by the Union Public Service Commission². She is, unfortunately, overage, as a result of which she was unable to participate. Aspirants were required to be less than 32 years of age as on 1 August 2026. The petitioner was born on 16 July 1994. She, therefore, attained the age of 32 on 16 July 2026. As a result, she had crossed the age of 32 on 1 August 2026, she was ineligible to

¹ "CSE" hereinafter

² "UPSC" hereinafter



compete. The petitioner is unhappy about this.

2. The petitioner, therefore, approached the Central Administrative Tribunal³ by way of OA 1788/2026. She did not claim to be aggrieved by the fixation of 32 as the maximum age for participation in the CSE; her grievance was on fixation of 1 August as the cut-off date. Her contention is that the cut-off date ought, appropriately, to have been 1 January, in which case, quite obviously, she would have been eligible to compete.

3. The 1 of August was initially fixed as the cut-off date for reckoning the age of the participant for the CSE by Office Memorandum⁴ dated 4 December 1979 issued by the Department of Personnel and Administrative Reforms⁵ – the administrative precursor to the Department of Personnel and Training⁶. This was repeated in DOPT OM dated 14 July 1988 as well as an Examination Notice 05/2026-CSE dated 4 February 2026 issued by the UPSC, which notified the 2026 CSE. The petitioner, therefore, called into question the legality of all these executive instructions, to the extent the stipulated 1 August as the cut-off date for reckoning the age of the CSE aspirant.

4. While the Examination Notice dated 4 February 2026 merely adopted the cut-off date of 1 August, earlier determined by the OMs dated 4 December 1979 and 14 July 1988, it would be appropriate to

³ "the Tribunal" hereinafter

⁴ "OM" hereinafter

⁵ "DPAR" hereinafter

⁶ "DOPT" hereinafter



reproduce, in their entirety, the said OMs, thus:

DPAR OM dated 4 December 1979

“OFFICE MEMORANDUM

Subject: Crucial date for determining age limits etc. for competitive examinations held by the UPSC/SSC.

As the Ministry of Defence etc. are aware, in terms of this Department's O.M.No.2/66/71-Estt (D) dated 10-9-1975, the crucial date for determining the age limits for appointment to posts filled otherwise than through competitive examinations is the closing date for receipt of applications from candidates in India (other than Andaman and Nicobar Island and Lakshadweep). In respect of posts, the appointments to which are made through the Employment Exchanges, the crucial date for determining the age limit will in each case be the last date upto which the Employment Exchanges are asked to submit the names.

2. The question as to the crucial date that should be prescribed for competitive examinations held for recruitment by the UPSC/SSC etc. has been carefully considered in consultation with the USSC and it has been decided that the crucial date should be:

(i) 1st day of January of the year in which the examination is held if the examination is held in the first half of the year; and

(ii) 1st day of August of the year in which the examination is held, if the examination is held in the later half of the year.

3. All Ministries are requested to take action to amend the relevant Recruitment Rules or regulations, in consultation with the UPSC wherever necessary.”

DOPT OM dated 14 July 1988

“New Delhi, the 14 July, 88

OFFICE MEMORANDUM

Subject:- Crucial date for determining age limits for competitive examinations conducted in parts by the UPSC/SSC.

As the Ministry of Defence etc., are aware, according to the



instructions contained in para 2 of this Department's O.M. No. 42013/1/79-Estt(D) dated 4th December, 1979, the crucial date for determining the age limits for competitive examinations held for recruitment by UPSC/SSC etc. in the first half of the year is the first day of January of the year in which the examination is held; and if the examination is held in the second half of the year, the crucial date will be the first day of August of the year in which the examination is held.

2. Same doubts have been expressed as to what should be the crucial date for determining the age limits in respect of examinations which are held in two parts on two different dates of the year. For instance, the Preliminary examination of the Civil Services Examination is normally held in the first half of the year and the Main examination is held in the second half of the year. In this case the position has been clearly indicated in the rules for this examination that the later of the two dates would be the crucial date. If, however, both parts of an examination fall in the first half of the year, the crucial date for determining the age limits will normally be the 1st of January. Similarly, if both parts of an examination fall in the second half of the year, the crucial date for determining the age limits would be the 1st of August. The position in this regard is clarified in the following illustrations:-

Illustrations

Name of Examination	Date on which first part of Exam. held	Date on which second part of Exam. held	Date for determining the age limits (Minimum and Maximum)
1	2	3	4
Exam. A	1-2-88	25-8-88	As on 1-8-88
Exam. B	1-9-88	1-3-89	As on 1-1-89
Exam. C	1-3-88	1-5-88	As on 1-1-88

3. It may sometimes so happen that due to exigencies of circumstances an examination, which is normally held during the first half of the year, is shifted to the second half. In such a case, the date for determining the age limits would still be the 1st of January. The exact position should be clearly indicated in the rules for the respective examinations, which are notified for the purpose.”



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5. By order dated 12 May 2026, the Tribunal has dismissed the OA relying, for the purpose on, inter alia, the judgment of the Supreme Court in *Union of India v. Sudhir Kumar Jaiswal*⁷ and of Division Bench of this Court in *Gagan v. Union of India*⁸.

6. Aggrieved by the said decision of the Tribunal, the petitioner has approached this court under Article 226 of the Constitution of India.

7. We have heard Mr. Nikhil Mehra for the petitioner, Ms. Maitreyee Jagat Joshi for the Union of India and Mr. Ravinder Agarwal for the UPSC, at length.

8. Mr. Mehra submits that, by fixing the 1 of August as the date, on which date the candidate had yet to attain the age of 32, an artificial distinction has been created between persons who were 32 years of age on or before 1 August and those who attained the age of 32 thereafter. This distinction, he submits, offends Articles 14 and 16 of the Constitution of India. Once 32 was fixed as the upper age for the candidate to participate in the CSE, Mr. Mehra's contention is that all candidates who attained the age of 32 as of 1 January belonged to one homogeneous category, and it was impermissible to create an artificial distinction among such candidates by fixing an arbitrary cut-off date of 1 August. The date of 1 August, submits Mr. Mehra, has nothing to do with the eligibility or suitability of the candidate for public service. The fixation of the upper age of 32 was relatable to the majority of the

⁷ (1994) 4 SCC 212

⁸ 2025 SCC OnLine Del 2354



candidate, and there was no difference between candidates who attained the age of 32 prior to 1 August and those who reached 32 thereafter. 1 August, he submits, has apparently been fixed as the cut-off date only because the CSE takes place in August. That, according to Mr. Mehra, cannot constitute a legitimate basis to differentiate between candidate and candidate, all of whom might have attained the age of 32 between 1 January and 31 December, by fixing an arbitrary intermediate date of 1 August.

9. Mr. Mehra has placed reliance on the judgments of the Supreme Court in *D.S. Nakara v. Union of India*⁹ and *D.R. Nim v. Union of India*¹⁰.

10. Mr. Mehra's submissions proceed on a fundamental misconception that the date of 1 January has some extra sanctity attached to it.

11. There is nothing sacred, or sanctified, of the 1 of January. It just happens to be the day on which a year, in the Gregorian calendar begins. The Gregorian calendar itself is a creation of man, introduced in October 1582 by Pope Gregory XIII. While the fixing of 365 days in a year (or 366 in a leap year) is attributable to the time taken by the Earth to revolve around the sun, and the fixing of 24 hours in a day is attributable to the time taken by the Earth to rotate once on its axis, there is no such scientific basis for dividing the 365 days into 12 months. Indeed, different calendars, in different parts of the world,

⁹ (1983) 1 SCC 305

¹⁰ AIR 1967 SC 1301



may consist of months having a different number of days. In India, itself, the lunar calendar, which is followed by traditionalists, has 28 days in a month, and is not divided into 12 months. The 1 of January, which is the start of the Gregorian year, falls somewhere towards the middle of the lunar year, followed elsewhere in India. For example, in the part of the country to which the author of this judgment belongs, the New Year fell on 17 August 2026, which is nowhere near 1 January.

12. No greater sanctity can, therefore, be attributed to the 1 of January, than is its legitimate due.

13. It is in overlooking this basic fact that the entire edifice of Mr. Mehra's contention, based on the premise that all persons who have attained the age of 32 after 1 January fall into one homogeneous class, and that the fixing of 1 August as the cut-off date creates an artificial distinction among members of this class, crumbles. The argument accords, to 1 January, a sanctity which that date does not possess.

14. Indeed, if, as Mr. Mehra submits, 1 August was fixed as the cut-off date on the basis of the date when the CSE is held, that would appear to be a much more logical, scientific and legitimate decision regarding the cut-off date, rather than fixing 1 January, nearly because the "calendar year" starts on that date. A date which is approximate to the examination itself would, clearly, be much more appropriate, than a date, such as 1 January, which has no linkage, whatsoever, with the holding of the CSE.



15. *Nakara*, on which Mr. Mehra relies, is qualitatively distinguishable on facts as well as in law. The issue before the Supreme Court, in that case was whether, in extending the benefit of a liberalized pension scheme, the executive could decide to extend the benefit with effect from an arbitrarily fixed date, so that pensioners who retired prior thereto, and pensioners who retired thereafter, would draw different amounts of pension. The distinction between *Nakara* and the present case, which Mr. Mehra's submission fails to appreciate, is that, in *Nakara*, the *very fixation of a date* was found to be unjustified, whereas, in the present case, Mr. Mehra does not dispute the decision to fix a cut-off date; he merely wants the date *shifted to the 1 of January*.

16. *Nakara*, meanwhile, has weathered several winters and, to use the words of the Supreme Court itself, in *Government of Andhra Pradesh v. N. Subbarayudu*¹¹ has, with the passage of time, been "considerably watered down". *Subbarayudu*, after rejecting the reliance on *Nakara*, recognizes the need for judicial restraint while interfering with cut-off dates fixed by the executive:

"5. In a catena of decisions of this Court it has been held that the cut-off date is fixed by the executive authority keeping in view the economic conditions, financial constraints and many other administrative and other attending circumstances. This Court is also of the view that *fixing cut-off dates is within the domain of the executive authority and the court should not normally interfere with the fixation of cut-off date by the executive authority unless such order appears to be on the face of it blatantly discriminatory and arbitrary*. (See *State of Punjab v. Amar Nath Goyal*¹².)

¹¹ (2008) 14 SCC 702

¹² (2005) 6 SCC 754



6. No doubt in ***D.S. Nakara v. Union of India*** this Court had struck down the cut-off date in connection with the demand of pension. However, in subsequent decisions this Court has considerably watered down the rigid view taken in ***Nakara*** as observed in para 29 of the decision of this Court in ***State of Punjab v. Amar Nath Goyal***.

8. In fact several decisions of this Court have gone to the extent of saying that the choice of a cut-off date cannot be dubbed as arbitrary even if no particular reason is given for the same in the counter-affidavit filed by the Government (unless it is shown to be totally capricious or whimsical), vide ***State of Bihar v. Ramjee Prasad***¹³, ***Union of India v. Sudhir Kumar Jaiswal***, ***Ramrao v. All India Backward Class Bank Employees Welfare Assn.***¹⁴, ***University Grants Commission v. Sadhana Chaudhary***¹⁵, etc. It follows, therefore, that even if no reason has been given in the counter-affidavit of the Government or the executive authority as to why a particular cut-off date has been chosen, the court must still not declare that date to be arbitrary and violative of Article 14 unless the said cut-off date leads to some blatantly capricious or outrageous result.

9. As has been held by this Court in ***Aravali Golf Club v. Chander Hass***¹⁶ and in ***Govt. of A.P. v. P. Laxmi Devi***¹⁷, the court must maintain judicial restraint in matters relating to the legislative or executive domain.”

17. While these decisions would by themselves suffice to discountenance the case that Mr. Mehra espouses, another circumstance, which the Court, in a case such as this, has to bear in mind, is the overall impact on public interest, were a prayer such as that sought by the petitioner, to be granted. Millions – literally millions – of candidates, who would otherwise not have applied for participating in the 2026 CSE, would become eligible, none of whom

¹³ (1990) 3 SCC 368

¹⁴ (2004) 2 SCC 76

¹⁵ (1996) 10 SCC 536

¹⁶ (2008) 1 SCC 683

¹⁷ (2008) 4 SCC 720



would have applied owing to the cut-off date fixed for reckoning the upper age limit. Can the petitioner, even if she were to be regarded as having an arguable case on merits – which, we reiterate, she does not – be singled out for exclusive treatment? The answer, we feel, has to be in the negative.

18. This, among others, is one of the considerations which require the Court to exercise restraint while interfering with the decision of the executive in fixing cut off dates. In academic matters, especially, the Court must defer to the discretion of the executive. We may note, in this context, that, in the matter of admissions to higher educational institutions, the Supreme Court has itself, in several decisions, fixed dates by which applications should be accepted, counselling should be completed, and admissions made, mandating implicit adherence thereto. Fixation of cut off dates, in these matters, is of the essence, and there can be no empirical formula on the basis of which such dates are fixed. The best judgment of the executive has necessarily to be respected.

19. There is, therefore, no merit in the petitioner's grievance against the fixation of the 1 August as the cut-off date for reckoning whether the aspirant to the CSE is, or is not, age appropriate for undertaking the examination.

20. The Tribunal has, therefore, rightly dismissed the OA.



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21. This writ petition must necessarily meet the same fate. It is accordingly dismissed *in limine*.

C. HARI SHANKAR, J.

AMIT MAHAJAN, J.

AUGUST 12, 2026/yg