



\$~

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 10 April 2026
Pronounced on: 03 July 2026

+ W.P.(C) 15195/2022

SHASHI

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Nikhil Pawar, Ms. Tanya Rose, Ms. Kritika Matta, Mr. Pradeep Kumar, Mr. Shubham Bahl and Ms. Bhumica Kundra, Advs.

versus

DELHI SUBORDINATE SERVICE
SELECTION BOARD AND ORS

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with Mr. Uday Singh Ahlawat, Mrs. Tania Ahlawat and Mr. Nitesh Kumar Singh, Advs.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT**

%

03.07.2026**C. HARI SHANKAR, J.**

1. The petitioner applied, as a candidate belonging to the Other Backward Classes¹ for recruitment as Special Educator, following an Advertisement 04/20 issued by the Directorate of Education², Government of National Capital Territory of Delhi. Insofar as OBC candidates were concerned, the Advertisement provided as under:

¹ "OBC" hereinafter

² "DoE" hereinafter



“5. RESERVATION BENEFITS:

(i) Reservation benefits will be available to the EWS/SC/ST/OBC/PWD & other special category candidates in accordance with the instructions/orders/circulars issued from time to time by the Govt. of Delhi.

(ii) Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates (EWS/SC/ST/OBC/Non Creamy layer/PwD/Educational/Experience etc.) issued by the competent/notified authority (in prescribed format) on or before the cutoff date (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise. The candidate has to select that particular category when applying online for the Post. No request for change of Category will be entertained at any later stage.

(iii) Only OBC (Delhi) candidates notified by Govt. of NCT of Delhi vide letter/order No. F.19(10)/2001/S-III/Pt.File/2278-2285 dated 27/07/2007 and No. F.19(01)/2012/S.IV/1241-1258 dated 28/07/2016 will be given the benefit of reservation/age relaxation under UBC category. UDC (Outside) candidates will be treated as un-reserved candidate and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.

(iv) Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBCS:-

(A) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.

(B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993.”

2. Despite having cleared the selection process till the stage of document verification, the petitioner's candidature was rejected by the



Delhi Subordinate Services Selection Board³, which conducted the Examination, *vide* Rejection Notice No. 881 dated 30 June 2022, on the following ground:

“OBC (Outsider). OBC certificate dated 18.06.2016 issued on the basis of his father resident of Buxar, Bihar which clearly states that he is originally inhabitant of Bihar. Hence, rejected for being OBC (Outsider). his candidature is also not in UR category not qualified written exam with minimum qualifying marks prescribed for UR category.”

3. The OBC Certificate dated 18 June 2016, produced by the petitioner, read as under:

“REVENUE DEPARTMENT, GOVT. OF NCT OF DELHI
OFFICE OF THE DISTRICT MAGISTRATE
DWARKA: SOUTH WEST DISTRICT

OBC CERTIFICATE

CERTIFICATE NO:90500000119955

This is to certify that SHASHI KUMAR S/o SHIV NARAYAN SINGH R/o B-12 B BLOCK POCHA NPUR EXTENSION POCHAN PUR DELHI 110077 INDIA belongs to the YADAV community of BIHAR State which is recognised as Other Backward Class under

Resolution No. 12011/68/93-BCC(C) dated 10/09/1993, published in the Gazette of India Extraordinary Part I, Section 1. No. 186, dated 13/9/1993. Resolution No. 12011/9/91-BCC(C) dated 19/10/1991, published in the Gazette of India Extraordinary Part I, Section 1. No. 88, dated 20/10/1995.

Resolution No. 12011/7/95-BCC(C) dated 24/05/1995, published in the Gazette of India Extraordinary Part I. Section 1. No. 88, dated 25/05/1995.

Resolution No. 12011/44/96-BCC(C) dated 06/12/1996, published in the Gazette of India Extraordinary Part 1, Section 1. No. 88, dated 11/12/1996.

³ "DSSSB" hereinafter



Notification No. F(8)/11/99-2000/DSCST/SCP/OBC/2855 dated 31/05/2000. Notification No. F(6)/2000-01/DSCST/SC/OBC/11677 dated 05/02/2004.

SHASHI KUMAR and his family ordinarily resides at B-12 B BLOCK POCHANPUR EXTENSION POCHAIN PUR DELHI 110077 INDIA

This certificate is issued on the basis of OBC certificate issued to SHIV NARAYAN SINGH FATHER of SHASHI KUMAR R/o VILLAGE-BHATOLI, DISTT-BUXAR, BIHAR belongs to YADAV community of BIHAR State vide Certificate No. 040778301111503408 dated 06/11/2015 issued by the BIHAR BHAWAN.

This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3-of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.

Digitally signed by SATISH KUMAR RAWAT,
Tehsildar,
2016.06.18”

4. Aggrieved by the rejection of his candidature, the petitioner moved the Central Administrative Tribunal⁴ by way of OA 2257/2022. By judgment dated 24 August 2022, the Tribunal has dismissed the OA, aggrieved by which the petitioner has approached this Court under Article 226 of the Constitution of India.

5. We have heard Mr. Anuj Aggarwal, learned Counsel for the petitioner and Ms. Avnish Ahlawat, learned Standing Counsel for the DSSSB at length.

⁴ "the Tribunal" hereinafter



6. The reasoning of the Tribunal, as contained in the impugned order, reads thus:

“4. We have perused both the said document dated 28.07.2016 and 31.05.2021 respectively. So far as the Circular dated 28.07.2016 is concerned, it is evident that the first category of certification is the one by Revenue Department of Govt. of NCT of Delhi on the basis of any of any o old certificate issued to any member of individual's family from Govt. of NCT of Delhi. In other words, family must be permanent resident of Delhi and the said member was certified on earlier occasion. The second category of certification is the one which is to be issued by the Competent Authority outside Delhi in favour of the person belonging to a community duly notified as OBC by Govt. of NCT of Delhi. This certificate, in turn, must be on the basis of OBC certificate issued by Govt. of NCT of Delhi to any family member of the concerned person who had been residing in Delhi before 08.09.1993. In short, though the candidate is residing outside Delhi, but if the roots of his family are in Delhi, the certificate is to be issued by Govt. of NCT of Delhi.

5. So far as the OM dated 31.05.2021 is concerned, it only mandates that the individual who possess OBC, (Delhi) certificate issued by the Revenue Department, Govt. of NCT of Delhi certifying that he/she belongs to a caste which has been notified as OBC by the Govt. of NCT of Delhi shall be entitled for benefits of reservation to OBCs in civil posts in various Departments of Govt. of NCT of Delhi, irrespective of the fact that the said OBC (Delhi) certificate has been issued with or without mentioning of old certificate issued to his/her father, siblings and real uncles (paternal side only). So what is important to note is that by this memorandum it was clarified that it is irrelevant whether the OBC (Delhi) certificate has been issued with or without mentioning about the old certificate. At this stage, it must be mentioned that the certificate which the applicant enclosed along with application form did mention that it was granted on the basis of his father's certificate. However, the fact remains that applicant's father was an inhabitant of Bihar and, therefore, the applicant in terms of Circular dated 28.07.2016 is not entitled to take benefit of OBC caste certificate in Delhi. A further perusal of the office memorandum dated 31.05.2021 relied upon by the learned counsel for the applicant makes it clear that this Office Memorandum is in continuance of the Office Memorandum dated 28.07.2016 and is only clarificatory in nature. The basic points of this Office Memorandum are the same that of the letter dated 28.07.2016. As far as the case of the applicant is concerned the caste certificate should be mandatorily issued on the basis of OBC certificate



issued by the Govt. of NCT of Delhi to his siblings and real uncles (paternal side only) only) w who had been v residing in Delhi before 08.09.1993. Obviously, the applicant has not been able to produce any such certificate in support of his claim to be an OBC and has, therefore, been rightly treated as OBC (outsider). We have also observed that the respondents have considered the candidature of the applicant in UR category. However, he was not selected in UR category as he had not secured the qualifying marks prescribed for that category.”

7. The Office Memoranda dated 28 July 2016 and 31 May 2021, issued by the Department of Personnel and Training⁵, to which the above extracted paragraphs from the judgment of the Tribunal make reference, read as under:

DOPT OM dated 28 July 2016

“No.F. 19(01)/2012/S.IV/12-41-1258

Dated: 28/7/2016

To,

All Head of Departments,
Govt. of N.C.T. of Delhi,
Delhi/ New Delhi

Sub: Reservation for OBCs in the Jobs under the Government of N.C.T. of Delhi-reg.

Sir/Madam,

In continuation with this depurnment's circular dated 27.07.2007 on the subject cited above (copy enclosed). I am directed to inform that Govt. of N.C.T. of Delhi has decided to accept the following two types of certificates as valid certificates for grant of benefit of reservation to OBCs in civil posts under Govt. of N.C.T. cf Delhi

1) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of any old certificate issued to any member of individual's family from GNCT of Delhi.

⁵ "DOPT" hereinafter



2) OBC certificate issued by a Competent Authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of N.C.T. of Delhi to any family member of the concerned person who had been residing in Delhi before 08.09.1993.

This issues with the prior approval of the Competent Authority.

Yours faithfully,

Encl: As above

Sd/-

(ANUPMA CHAKRAVORTY)
DY. SECRETARY (SERVICES)”

DOPT OM dated 31 May 2021

“Dated: 31/05/2021

OFFICE MEMORANDUM

Sub: Reservation for OBCs in the jobs under the Government of N.C.T. of Delhi - reg.

In continuation of this Department's letter No.F.19(10)/2001/S-III/Pt. File/2278 2285 dated 27 July, 2007 and No.F.19(01)/2012/S.IV/1241-1258 dated 28 July, 2016 on the subject cited above (copies enclosed), the undersigned is directed to convey the clarification that:-

1) an individual, who possesses OBC (Delhi) Certificate issued by the Revenue Department, Government of National Capital Territory of Delhi certifying that he/she belongs to a caste which has been notified as OBC by the Government of National Capital Territory of Delhi, shall be entitled for the benefits of reservation to OBCs in Civil posts in various Departments of Government of National Capital Territory of Delhi, irrespective of the fact that the said OBC (Delhi) Certificate has been issued with or without mentioning of old certificate issued to his/her father, siblings and real uncles (paternal side only).



2) an individual, who possesses the OBC Certificate issued by a Competent Authority outside Delhi, certifying his/her belonging to a community duly notified as OBC by the Government of National Capital Territory of Delhi, shall also be entitled for the benefits of reservation to OBCs in civil posts under Government of National Capital Territory of Delhi. This certificate should have mandatorily been issued on the basis of OBC Certificate issued by Government of National Capital Territory of Delhi to his/her father, siblings and real uncles (paternal side only) of the concerned person, who had been residing in Delhi before 8th September, 1993.

This issues with the approval of the Competent Authority.

Encls: As above

Sd/-

(HARLEEN KAUR)
SPL. SECRETARY (SERVICES)”

8. Mr. Aggarwal relies on Clause 5(iii) of the Advertisement. He submits that Clause 5(iii) ensures the benefit of OBC reservation to OBC (Delhi) candidates notified *vide* Notification dated 27 July 2007 of the GNCTD. The letter dated 27 July 2007, he points out, grants OBC reservation to all OBCs in the Central list of OBCs qua Delhi. The notification reads thus:

“dated: 27/7/07

To

1. The Chairman
Delhi Subordinate Services Selection Board,
Government of NCT of Delhi
UTCS Building, Shahadra, Delhi
 2. All Head of Department/Local/Autonomous Bodies/
PSUs, Government of NCT of Delhi.
- Sub: Reservation for OBCs in the jobs under the Government of NCT of Delhi.



Madam/Sir,

I am directed to inform that the Hon'ble Lt. Governor has considered the matter regarding grant of benefit of reservation to OBCs in Civil posts under the Govt. of NCT of Delhi and has decided that the Central list for OBCs qua Delhi and castes defined as OBCs by OBC Commission and accepted so by the Government be extended the benefit of reservation in Delhi.

In light of the above, appropriate action for grant of benefits of reservation to OBCs in the civil posts of Govt. of NCT of Delhi may be taken accordingly.

Yours faithfully,

Sd/-

(S.P.SINGH)
JOINT SECRETARY (SERVICES)"

9. Following the above letter dated 27 July 2007, a further communication was issued by the Department for the Welfare of SC/ST/OBC/MIN on 8 November 2021, under the subject "Reservation for OBCs in the jobs under the Government of NCT of Delhi", which read thus:

"F. No.-28(7)/2016-17/DSCST/Pig-part file-1/9861-62

Dated: 08-11-2021

To

The Divisional Commissioner,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-54.

Sub: Reservation for OBCs in the jobs under the Government of NCT of Delhi reg.

Sir,

I am directed to refer to Service Department letter No.F. 19(10)2001/S-III/Pt. file/2278-2285 dated 27/07/2007 by which it has been conveyed with the approval of Hon'ble Lt. Governor that



benefit of reservation to OBCs in Civil Posts under the Govt. of NCT of Delhi be extended to the Castes mentioned in Central list for OBCs qua Delhi, and caste defined as OBCs by OBC Commission and accepted so by the Govt.

2. Therefore, the castes mentioned in the Central OBCs list have been accepted by the Government of Delhi for extending benefits of reservation in Civil posts under the Government of NCT of Delhi in addition to castes notified by the Government of Delhi vide above mentioned letter dated 27-07-2007.

3. Accordingly, Revenue Department, GNCTD is hereby requested to upload the complete list of castes (Notified by Government of NCT of Delhi and caste notified under Central Govt for the State of Delhi under Central list (copy enclosed).

This is issues with approval of competent authority.

Yours faithfully

Encl: as above

Sd/-
(Suresh Chand)
Asstt. Director(Planning)”

10. Mr. Aggarwal submits that the Central List of OBCs for the GNCTD was notified by the Ministry of Welfare, GNCTD *vide* Resolution dated 24 May 1995, which included “Yadav” in the list of OBCs for Delhi. Mr. Aggarwal has also drawn our attention to the “Central List of OBCs for the State of Delhi”, notified as “eligible for grant of benefit of reservation in civil posts under the GNCTD as per order dated 27.7.2007” which includes, at S. No. 3, the castes Ahir, Yadav and Gwala, notified as OBCs in the Central list *vide* Resolution dated 24 May 1995 *supra*.

11. Responding to the submissions of Mr. Aggarwal, Ms. Ahlawat submits that the terms of the advertisement, under which the petitioner



applied, are clear and categorical. She has placed reliance on Clause 5 (iv) of the advertisement and submits that an OBC certificate issued by the GNCTD is acceptable only if it is on the basis of an old certificate issued to a member of the family of the candidate from the GNCTD. Inasmuch as the OBC certificate produced by the petitioner is clearly issued on the basis of an earlier OBC certificate issued to his father by the Bihar Bhawan, and not by the GNCTD, she submits that the Tribunal has correctly upheld the rejection of his candidature.

Analysis

12. We are constrained to observe, with some sense of dismay, that the GNCTD has, at least in the case of OBC reservations, created utter chaos, by issuing one Notification/Circular/Letter after another, and wording the advertisements delightfully ambiguously, resulting in not only the candidates, but even the Court never being certain of whether a case of entitlement is, or is not, made out. Several such cases have come before us even within the past one year, and our attention has been drawn to one instruction in one case and another instruction in another. Such chaos and uncertainty leaves the legal situation in a state of flux, which is undesirable especially when the matter relates to reservation for OBCs.

13. We can do no better than decide the matter on the basis of the documents which are before us.

14. Examine, for example, the advertisement with which we are concerned in the present case.



15. Clause 5(i) states that OBC reservation would be available “in accordance with the instructions/orders/circulars issued from time to time by the Government of Delhi”. No reference is made to any circular number or order number. Candidates cannot be expected to be scouring the internet to find out all the circulars and orders issued by the GNCTD in the matter of OBC reservation. Even if a candidate comes across a particular circular or order, she, or he, can never be certain as to whether there is any subsequent circular or order which has modified it.

16. This is completely unacceptable. A clause such as Clause 5(i) is unfair to candidates who apply and may even be, to some extent, unsustainable in law. It places candidates in a state of utter uncertainty as to whether they are, or are not, eligible to apply as EWS/SC/ST/OBC/PwD.

17. Clause 5(ii) of the Advertisement does not carry the matter any further, as it merely states that the candidate, who seeks to benefit of reservation as EWS/SC/ST/OBC etc., has to be in possession of the relevant certificates issued by the competent authority on or before the prescribed cutoff date. This Clause does not particularly concerned the controversy at hand.

18. Clause 5(iii) immediately creates confusion, as it states that *“only OBC (Delhi) candidates notified by government of NCT of Delhi vide letter/order ... dated 27/07/2007 and ... dated 28/07/2016 will be given the benefit of reservation/age relaxation under OBC*



category”. Thus, while Clause (i) extends the benefit of OBC reservation to candidates covered by any instruction/order/circular issued by the GNCTD, Clause 5(iii) restricts the benefit of reservation to candidates covered by letters/orders dated 27 July 2007 and 28 July 2016.

19. Mr. Aggarwal’s contention is that his client is eligible to be treated as an OBC candidate in terms of the GNCTD letter dated 27 July 2007. Mr. Aggarwal, therefore, relies on Clause 5(iii).

20. Clause 5(iv) makes things worse. Read in isolation, Clause 5(iv) provides, in cases in which the OBC certificate produced by the candidate has been issued by the Revenue Department in the GNCTD, that the certificate must have been issued *“on the basis of a old certificate issued to any member of individual’s family from GNCTD”*. No such condition is to be found in either of the letters/orders dated 27 July 2007 and 28 July 2016 issued by the GNCTD, to which Clause 5 (iii) of the Advertisement makes reference.

21. What, therefore, happens in the case of a candidate who is in possession of an OBC certificate issued by the Revenue Department in the GNCTD, which does not conform to Clause 5(iv), but is in accordance with letters/orders dated 27 July 2007 and 28 July 2016 issued by the GNCTD? We are concerned with precisely such a case.

22. Predictably, Mr. Aggarwal relies on letter/order dated 27 July 2007 read with Clause 5(iii), whereas Ms. Ahlawat relies on Clause 5(iv) of the Advertisement.



23. Though, when seen superficially, there is some possibility of confusion among the various Clauses, it is, when subjected to a deeper scrutiny, easily resolved.

24. Clause 5(iii) states that *only* candidates who are covered by the letters/orders dated 27 July 2007 and 28 July 2016 would be eligible for OBC reservation. The clause is therefore, a *delimiting* condition, which makes coverage under the 27 July 2007 and 28 July 2016 letters/orders *mandatory* for being entitled to OBC reservation. It does not, however, *ipso facto* make *every candidate who is covered by the said letters/orders eligible, even if she, or he, does not fulfil other conditions in Clause 5.*

25. Moreover, the letters dated 27 July 2007 and 28 July 2016 are *caste specific*, whereas Clause 5(iv) in the Advertisement is *certificate specific*. In other words, *while the caste to which the candidate belongs must qualify as an OBC in terms of the letters/orders dated 27 July 2007 and/or 28 July 2016 by virtue of Clause 5(iii), the certificate must satisfy the requirement specified in Clause 5(iv).*

26. This is the obvious intent of the Advertisement, and is, in fact, the only harmonious way of interpreting it, so as not to render any of its clauses, particularly Clause 5(iv), redundant. The stand that Mr. Aggarwal advocates, if accepted, would require us to completely ignore Clause 5(iv)(a).



27. While the ‘Yadav’ caste to which the petitioner belongs undoubtedly satisfies the requirement of the letter dated 27 July 2007 as it is included in the Central List of OBCs for appointment to civil posts in the GNCTD, the OBC certificate produced by the petitioner, unfortunately, does not satisfy Clause 5(iv)(a) of the Advertisement. Inasmuch as it has been issued by the Revenue Department in the GNCTD, sub-clause (a) of Clause 5(iv) applies, not sub-clause (b). One of the conditions of sub-clause (a) is that the certificate must have been issued *on the basis of an earlier certificate issued to a family member by the Delhi Government*.

28. Having applied pursuant to the said Advertisement, without challenging it, the petitioner cannot wish away its covenants.

29. In the present case, the OBC certificate dated 18 June 2016, produced by the petitioner, clearly states that it was issued on the basis of an earlier OBC certificate issued to his father by the Bihar Bhawan.

30. The requirement of the certificate of the candidate having been issued on the basis of an earlier certificate issued to a family member by the Delhi Government is not, therefore, satisfied.

31. We, therefore, agree with Ms. Ahlawat that the OBC certificate produced by the petitioner did not satisfy Clause 5(iv) of the Advertisement. Ergo, the petitioner could not be regarded as an OBC candidate for the purpose of recruitment under the Advertisement.



32. Inasmuch as the petitioner could not make the cut off for being recruited as a UR candidate, his candidature was rightly rejected.

33. No occasion, therefore, exists for us to interfere with the impugned judgment of the Tribunal.

34. The writ petition is dismissed with no orders to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

JULY 03, 2026/ar/aky