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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 10.07.2026

+ W.P.(C) 9162/2026 & CM APPL. 42956/2026

AJAY KUMAR SHARMA

.....Petitioner

Through: Mr. Anupam Srivastava, Senior Adv.
with Mr. Raj Kumar Ruhil, Mr.
Pratap Singh, Mr. Manish K. Vaid,
Mr. Hammad Ali and Mr.
Sukhmandeep Singh, Advs. along
with petitioner in person.

versus

HIGH COURT OF DELHI THROUGH
REGISTRAR GENERAL & ANR.

.....Respondents

Through: Ms. Asmita Singh, Adv. for R-1.
Mrs. Avnish Ahlawat SC GNCTD
Services, Mr. Nitesh Kumar Singh,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:

“(a) issue a writ of certiorari or any other appropriate writ, order or direction quashing/reading down the eligibility condition prescribed in the Advertisement/Notification dated 01.07.2026 issued by the Respondent No. 1 for the Delhi



Higher Judicial Service Examination, 2026, to the extent it requires that a candidate must not have attained the age of 45 years on the last date of receipt of applications, i.e., 15.07.2026, insofar as it excludes candidates who were age-eligible for the DHJS Examination in the recruitment year 2025;

(b) declare Rule 9(5) of the Delhi Higher Judicial Service Rules, as amended vide notification dated 19.02.2026 by the Respondent No.2, to be arbitrary and violative of Articles 14 and 16 of the Constitution of India to the extent it operates to exclude, without any transitional provision, candidates who were within the age cut-off of 45 years during the recruitment year 2025 in which no DHJS Examination was held;

(c) issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to permit the Petitioner, as an one-time measure, to fill the online application form for and to participate in the Delhi Higher Judicial Service Examination, 2026, by granting appropriate relaxation in the upper age limit;

(d) Issue a Writ of mandamus or any other appropriate writ, order or direction, directing the Respondent No. 1 to bifurcate and disclose separately, the vacancies which arose after 01.12.2025 (being the vacancies of the recruitment year 2025) and the vacancies of the year 2026, out of the 27 vacancies advertised vide the impugned Advertisement dated 01.07.2026, and to fill the vacancies of the recruitment year 2025 in accordance with Rule 9(3) of the Delhi Higher Judicial Service Rules, 1970, as amended on 05.03.2024;”

2. It is the case of the petitioner that an Advertisement/Notification dated 01.07.2026 was issued by the High Court of Delhi inviting eligible candidates for filling up 27 vacancies (24 existing and 03 anticipated) in the Delhi Higher Judicial Services (DHJS) by a way of direct recruitment through Delhi Higher Judicial Services Examination, 2026 (‘DHJS Exam’).

3. The last date of filing the online application is 15.07.2026 and the



preliminary examination is scheduled for 26.07.2026. As per the notification a candidate must have attained 35 years of age and must not have attained 45 years of age on the date of receipt of the application i.e., 15.07.2026.

4. According to the learned senior counsel for the petitioner, the amendment of Rule 9(5) of Delhi Higher Judicial Services Rules, 1970 ('the Rules') as amended on 19.02.2026 computes the upper age limit of 45 years to the last date of application without any protection for candidates who lost opportunity to compete due to non-conduct of DHJS Exam in the year 2025. The respondent no.1 neither notified any vacancies for the year 2025 nor conducted any examination in the year 2025.

5. He states that the Rule 9(3) of the Rules as amended on 05.03.2024 stipulate the upper age of a candidate, not to have attained the age of 45 years on 1st January of the year in which the application for appointment are invited. The petitioner whose date of birth is 03.10.1980 would be eligible to apply had the DHJS Exam-2025 been conducted.

6. According to him, as per the advertisement for DHJS Exam-2024, the vacancies advertised were accounted for anticipated vacancies only till 01.12.2025, however; the impugned advertisement does not disclose the vacancies of the year 2025. Any vacancies in the DHJS which arose after 01.12.2025 is a vacancy of the recruitment year 2025. The impugned advertisement computes the upper age limit of 45 years as on the date of receipt of the application, it excludes the petitioner and similarly placed candidates.

7. The petitioner submits that, as on 01.01.2025, he was eligible in terms



of Rule 9(3) of the Rules to apply for DHJS Exam-2025 had the same been conducted in the year 2025. The effect of the amendment on 19.02.2026 is that the candidates who are eligible for DHJS Exam for the year 2025 will be excluded from participating in the DHJS Exam-2026. Reliance has been placed on the following judgments in support of the case of the petitioner as under:

- i. ***Malik Mazhar Sultan and Another v. U.P. Public Service Commission and Others, Appeal (Civil) 1867 of 2006;***
- ii. ***High Court of Delhi v. Devina Sharma, Civil Appeal No. 2016 of 2022; and***
- iii. ***Y.V. Rangaiah v. J. Sreenivasa Rao, (1983) 3 SCC 284***

8. He seeks prayers as made in the petition.

9. The learned counsel for the respondent no.1 stated that on 27.12.2024, a notification was issued for the DHJS Exam contemplating filling up of the existing vacancies till 01.12.2025. In other words, all vacancies that arises upto 01.12.2025 formed part of the notification dated 27.12.2024. According to her, as such, no prejudice has been caused to the petitioner in the respondents not conducting the DHJS Exam in the year 2025. In any case, the notification dated 27.12.2024 was issued merely four days before the commencement of the year 2025.

10. She submits that pursuant to the directions of the Supreme Court in Civil Appeal No.3947/2020 titled ***Rejanish K.V. v. K. Deepa & Others*** (decided on 09.10.2025), the Rules were amended by the respondents on 19.02.2026. In terms of the notification dated 15.07.2026, the eligibility of the candidates has to be seen as on the date of the notification, i.e.,



15.07.2026, by the time, they became over aged, the petitioner no.1, became over aged on in September, 2025.

11. Hence, she states that the petitioner is ineligible and as such the petition should be dismissed.

12. Having heard the learned counsel for the parties and perused the record, we do not find ourselves in agreement with the submission advanced on behalf of the petitioner. This we say for the reason that all anticipated vacancies till 01.12.2025, were included in the notification dated 27.12.2024. Though the petitioner had applied for the same, he was unsuccessful. We note that the date of birth of the petitioner is 03.10.1980. When the respondent no.1 issued the notification for DHJS Exam-2026 on 01.07.2026, the petitioner had already turned over-age.

13. We must state that the objective behind conducting the DHJS Exam every year is that no vacancy that arises should remain unfilled. The notification for DHJS Exam-2024 dated 27.12.2024 included all anticipated vacancies till 01.12.2025, i.e., for the year 2025 also. Therefore, as per the respondents, there was no requirement to conduct the examination again in 2025. The notification dated 27.12.2024 fulfilled the said objective, and as such, the decision of the respondents to not conduct an examination again in 2025 cannot be said to discriminatory or illegal in any way.

14. The plea of the petitioner that the vacancies from 01.12.2025 should have been filled up thereafter by way of an examination also cannot be accepted for the reason that pursuant to the judgment of the Supreme Court in **Rejanish K.V. (supra)** on 09.10.2025, the Rules needed to be amended as



per the directions contained therein. Till such time an amendment was brought about, no notification for the examination could have been issued. In fact, we find that the Rules were amended on 19.02.2026, which resulted in the notification dated 01.07.2026 contemplating vacancies till June 2027. As such, we find no infirmity with the notification for the DHJS Exam-2026.

15. In any case, there has been no challenge mounted to the notifications for the DHJS Exam-2026. Insofar as the plea of the petitioner for a one-time relaxation for appearing in the said examination, we find no compelling circumstances to grant the same. The petitioner had become over-age as on date of the notification, and it cannot be said that the actions of the respondents had in any way affected the rights of the petitioner.

16. In view of above, we are not inclined to accept the plea of the petitioner.

17. Accordingly, the petition is dismissed, along with the pending application.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 10, 2026

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