



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 5233 OF 2025**

**MOHIT KUMAR**

**...APPELLANT**

**VERSUS**

**STATE OF UTTAR PRADESH AND ORS.**

**...RESPONDENTS**

**WITH**

**CIVIL APPEAL NO. 5234 OF 2025**

**STATE OF UTTAR PRADESH AND ANR.**

**...APPELLANTS**

**VERSUS**

**KIRAN PRAJAPATI**

**...RESPONDENTS**

**J U D G M E N T**

**DIPANKAR DATTA J.**

1. These appeals, arising out of orders passed by the High Court of Judicature at Allahabad<sup>1</sup> on separate writ petitions<sup>2</sup> with differing outcomes but concerning the same recruitment process, raise a common question of law.

**FACTS IN CIVIL APPEAL 5233 OF 2025**

2. Respondent no.3/Uttar Pradesh Police Recruitment and Promotion Board<sup>3</sup> issued a notification on 24<sup>th</sup> February 2021 for direct

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<sup>1</sup> High Court

<sup>2</sup> WRIT - A No. - 11413 of 2022 and WRIT - A No. - 18987 of 2022

<sup>3</sup> UPPRPB

recruitment on the post of Sub-Inspector, Civil Police and Platoon Commander, PAC and Fire Officer, for the year 2020-2021<sup>4</sup>. The appellant-Mohit Kumar<sup>5</sup>, on 20<sup>th</sup> April 2021, applied for the post of Sub-Inspector, Civil Police as well as for Platoon Commander and was thereafter called for examination, which was held on 17<sup>th</sup> May 2022.

- 3.** Pursuant to the examinations conducted by UPPRPB, Mohit scored 313.84 marks. A list of non-selected candidates came to be published, which featured Mohit's registration number at serial number 11108. Aggrieved thereby, Mohit made a representation to UPPRPB on 21<sup>st</sup> July 2022. Receiving no response, Mohit moved a writ petition<sup>6</sup> before the High Court, praying that his representation be considered. The High Court, on 4<sup>th</sup> August 2022, directed the Superintendent of Police, UPPRPB, to consider the representation and pass a reasoned order thereon within 4 weeks.
- 4.** Respondent no. 4<sup>7</sup>, by its speaking order dated 15<sup>th</sup> September 2022, rejected Mohit's representation on the ground that he did not submit OBC<sup>8</sup> certificate in the format prescribed at the time of initial recruitment release and, thus, he was considered in the general category instead of the OBC category. The cut-off marks for the general category were 316.11, whereas for the OBC category it was

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<sup>4</sup> Recruitment Notification

<sup>5</sup> Mohit

<sup>6</sup> WRIT - A No. - 11413 of 2022

<sup>7</sup> Additional Secretary, UPPRPB

<sup>8</sup> Other Backward Class

305.542. The order also stated that as per Mohit's own case, at the time of application, he had mentioned the certificate issued by the Central Government instead of the State Government.

5. Mohit yet again approached the High Court by way of a writ petition<sup>9</sup>, challenging the order rejecting his representation. The High Court, by its judgment and order dated 22<sup>nd</sup> March 2023, dismissed the writ petition while holding that the order impugned in the petition did not call for interference. The order of the High Court rejecting Mohit's writ petition has been impugned in the lead appeal.

#### **FACTS IN CIVIL APPEAL 5234 OF 2025**

6. UPPRPB, by the same notification as referred to in the lead appeal, notified the recruitment for posts of sub-inspector (SI) Civil Police, Platoon Commander and PAC and Fire Fighting Second Officer for the year 2020-2021. The sole respondent-Kiran Prajapati<sup>10</sup> applied for the post of sub-inspector (SI) Civil Police on 8<sup>th</sup> April 2021, in the OBC category. Similar to the lead appeal, Kiran appeared for the examination and cleared the same by scoring 287 marks. Pertinently, the cut-off marks for the general category and the OBC category were 296.597 and 285.92. However, after verification of documents and noticing that the OBC certificate was not submitted in the prescribed

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<sup>9</sup> WRIT - A No. – 18987 of 2022

<sup>10</sup> Kiran

format by Kiran, UPPRPB did not place her in the select list. Against this rejection, Kiran addressed a representation to UPPRPB.

7. Receiving no response, Kiran filed a writ petition<sup>11</sup> before the High Court seeking a direction for acceptance of the OBC Certificate submitted by her. A single judge of the High Court allowed the writ petition *vide* order dated 27<sup>th</sup> March 2023 and directed UPPRPB to accept the OBC certificate submitted by Kiran and to process her application further. Against the order of the single judge, UPPRPB preferred an appeal<sup>12</sup> before the Division Bench of the High Court. By an order dated 25<sup>th</sup> August 2023, the High Court dismissed the appeal and confirmed the order of the single judge.
8. The appellants in the connected appeal impugn this order of the High Court rejecting their appeal.

#### **SUBMISSIONS FOR THE STATE OF UTTAR PRADESH**

9. Ms. Ruchira Goel, learned counsel appearing for the State and the UPPRPB contended that the requirement prescribed by UPPRPB under the recruitment notification/ release and the consequent rejection of the candidature of Mohit and Kiran by UPPRPB was valid. She further urged that:

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<sup>11</sup> Writ Petition A No. 5245 of 2023

<sup>12</sup> Special Appeal Defective No. 562 of 2023

- i. The recruitment conducted by UPPRPB was under the Uttar Pradesh Sub-inspector and Inspector (Civic Police) Service (Amended) Rules, 2015<sup>13</sup>. Further, the Uttar Pradesh Public Services (Reservation for Schedule Castes, Schedule Tribes and Other Backward Classes) Act, 1994<sup>14</sup> provides for reservation for OBCs in the state of Uttar Pradesh. A Government Order dated 17<sup>th</sup> December, 2014<sup>15</sup> issued under the 1994 Act proscribed OBC reservation for persons having gross annual income of Rs. 8 lakh or above or possessing wealth above the exempted limit under the Wealth Tax Act, 1957.
- ii. The advertisement stated that 2437 posts were reserved for OBC candidates and laid down the eligibility norm in clause 5.4(4) of the advertisement, which reads as under:
- 5.4(4) If the candidates belonging to other backward class category do not submit the certificate in the prescribed format-I/ within prescribed period or if they submit the certificate of Other Backward Class category valid for the services of Government of India, they will be treated as candidates of unreserved category.
- (emphasis supplied)
- iii. Both Mohit and Kiran submitted their OBC (NCL) caste certificate in the format prescribed for appointments to the Central

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<sup>13</sup> 2015 Rules

<sup>14</sup> 1994 Act

<sup>15</sup> G.O. No.13/22/16/92/TC-iii-Ka-2/2014

Government, and not the one prescribed for the State Government, as mandated by clause 5.4(4).

- iv. Since Mohit and Kiran were considered in the unreserved category and secured marks less than the required cut-off marks, they were not selected.
- v. Judgment rendered by the Full Bench of the High Court in ***Gaurav Sharma v. State of U.P.***<sup>16</sup> was relied upon which held that there is no repugnancy between the financial criteria fixed by the Union and the State Governments for the purpose of identification of creamy layer.
- vi. The object and rationale of the criteria in clause 5.4(4) is to ensure compliance of or ascertainment of creamy layer, which is redefined by the State Government and the Central Government from time to time. While the creamy layer criteria may be congruent at a given point of time, it is always subject to change. In view of the subjective nature, it is essential that all the candidates submit proof that they do not fall within the exclusionary zone set out by the State Government. In the absence thereof, the State machinery would be burdened with the inquiry of individual candidates who submit a caste certificate for Central Government and would have to ascertain

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<sup>16</sup> 2013 SCC OnLine All 1286

whether they also qualify as OBC-NCL under the rules of the State Government.

- vii.** The format prescribed in 'Format-I' of the recruitment notification categorically requires that the gross annual income of the candidate's parents for a continuous period of three years is not above Rupees eight lakh and that he/she does not possess wealth above the exemption limit, as prescribed in the Wealth Tax Act 1957. This prescription finds no place in the caste certificate prescribed for jobs under the Central Government.
- viii.** The Central Government refers to 'Department of Personnel and Training's O.M. No.36012/22/93 Estt (SCT) dated 8<sup>th</sup> September, 1993 or the latest notification of Government of India modified vide O.M. No.36033/3/2004 Estt(Res.) dated 9<sup>th</sup> March, 2004 and further modified vide O.M. No. 36033/3/2004-Estt.(Res) dated 14<sup>th</sup> February, 2008 or the latest notification of the Government of India, whereas, the format prescribed by the State Government is as per the Government Order dated 17<sup>th</sup> December, 2014.
- ix.** The decisions relied upon by Mohit and Kiran are distinguishable on facts since the candidates in those cases were already appointed under the OBC category as Constables and sought appointment in the same category for the posts under the

present recruitment notification. Thus, in those cases, the caste category already stood verified by UPPRPB.

- x. The decision in ***Bedanga Talukdar v. Saifudaullah Khan***<sup>17</sup> was cited for the proposition that if the rules do not provide, relaxation is not permitted.
- xi. The impugned judgment dismissing Mohit's writ petition rightly considered the ratio of this Court's decision in ***State of T.N. v. G. Hemalatha***<sup>18</sup>.
- xii. Under the said notification, there remained no vacancies after publication of the final selection result. However, after the final result, 122 posts eventually remained unfilled either due to cancellation of candidature or death or absence/disqualification in medical examination or expulsion. Under the 2015 Rules, the vacant posts were required to be carried forward to the next selection. Consequently, under the recruitment notification, the 122 OBC posts that remained unfilled were carried forward for the selection year of 2023-24 and the process of publishing the notification is in progress.

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<sup>17</sup> (2011) 12 SCC 85

<sup>18</sup> (2020) 19 SCC 430



## **SUBMISSIONS ON BEHALF OF MOHIT AND KIRAN**

**10.** Mr. Rahul Kaushik, learned senior counsel appearing for Mohit, submitted that the OBC certificate submitted by Mohit ought to have been accepted for/on the following reasons/grounds:

- i.** OBC certificate for participating in recruitment processes initiated by both the Central Government and the State Government, is issued by the Tehsildar.
- ii.** Mohit comes from a poor family and his entire hard work would be drained for want of a certificate in a particular format.
- iii.** Mohit having secured 313.684 marks which is in excess of the cut-off that was prescribed for OBC candidates, i.e., 305.542 marks, merit has been overlooked much to his detriment and prejudice.
- iv.** Mohit belongs to Ahir community, which is recognized as backward class in the State of Uttar Pradesh and this is categorically reflected from the certificate submitted by him.
- v.** The decision of this court in ***Dolly Chhanda v. Chairman, Jee & Ors.***<sup>19</sup> was cited for highlighting that every infraction of rule may not necessarily result in rejection of candidature.
- vi.** ***Dheerender Singh Paliwal v. Union Public Service Commission***<sup>20</sup> was cited for the proposition that in case of any

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<sup>19</sup> (2005) 9 SCC 779

doubt as to qualification of any candidate, the candidate could have been called upon to produce the required certificate.

**vii.** This Court's decisions in ***Ram Kumar Gijroya v. Delhi Subordinate Services Selections Board and Anr.***<sup>21</sup> and ***Karn Singh Yadav v. Government of NCT of Delhi & Ors.***<sup>22</sup> were cited for reminding us that the object of providing reservations to members of the Scheduled Caste/Scheduled Tribe communities is to remove inequalities in employment and provide a level playing field for those belonging to educationally and socially backward classes of society; hence, it would be unreasonable to be too technical in one's approach and throw asunder the object sought to be achieved by reservations.

**11.** Mr. Kumar Gaurav, learned counsel for Kiran, adopted the submissions of Mr. Kaushik.

### **THE ISSUE**

**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.

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<sup>20</sup> (2017) 11 SCC 276

<sup>21</sup> (2016) 4 SCC 754

<sup>22</sup> (2024) 2 SCC 588

**13.** We may initiate our discussion by first referring to this Court's decision in *Registrar General, Calcutta High Court v. Shrinivas Prasad Shah and Ors*<sup>23</sup>. The question that was raised is whether, the West Bengal Public Service Commission was justified in considering the 1<sup>st</sup> respondent as a general candidate for recruitment in connection with a judicial service examination, instead of his claim of being a member of the Scheduled Tribe community. The advertisement stipulated that in order to obtain the benefit of reservation, the requisite certificate had to be issued by the competent authority as specified in the stated enactment and SCs/STs Welfare Department Order No. 261-TW/EC/MR-103/94 dated 6<sup>th</sup> April, 1995. Instead of producing a certificate issued by the competent authority, the 1<sup>st</sup> respondent produced a certificate issued by the Director of the Backward Classes Welfare Department certifying him as a member of the Scheduled Tribe community; hence, such certificate was ignored and he was considered to be a general candidate. The 1<sup>st</sup> respondent was fortunate enough to succeed in the two tiers before the High Court at Calcutta, which directed the PSC to consider him as a ST candidate, fortune deserted him before this Court. It was held thus:

**"15.** We find no error in the decision taken by the Commission in not entertaining the respondent's application as a ST candidate since no certificate was produced from the competent authority, as provided under the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. The information to the candidates

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<sup>23</sup> (2013) 12 SCC 364

specifically stated that the candidates claiming to be SC/ST/BC *must have* a certificate from a *competent authority* specified in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. No such certificate was produced from that competent authority by the respondent. Consequently, in the absence of the requisite certificate, the Commission was justified in treating him as a general category candidate. The first time the respondent produced the certificate from the competent authority was only when he appeared in the examination held on 30-7-2010, by that time he had obtained a certificate from the competent authority on 22-9-2009. Admittedly, at the time when the 2007 examination was held no such certificate was produced from the competent authority along with the application. Consequently, the respondent was treated as a general category candidate and hence he could not get appointment as judicial officer in the examination held in the year 2007.

**16.** We are of the considered opinion that in view of the specific legislation passed by the West Bengal State Legislative Assembly i.e. the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, and the specific stipulation in the notification issued to the candidates, Guideline 10 of para 13 of *Madhuri Patil v. Commissioner, Tribal Development* [(1994) 6 SCC 241] is inapplicable, particularly to the facts of this case. The Act does not recognise the Director, Backward Class Welfare, West Bengal as a competent authority to issue the certificate. Therefore, the Commission was justified in not placing reliance on the certificate issued by the Director, Backward Class Welfare, West Bengal. ... ”.

(italics in original)

- 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.
- 16.** Let us now examine whether in the light of the settled law in this behalf, Mohit and Kiran deserve any relief.
- 17.** Clause 5.4(4) of the recruitment notification has been noticed above. It clearly warns what the consequence would be should an aspirant fail to submit the requisite certificate in Format-I. Admittedly, the certificates submitted by Mohit and Kiran do not align with Format-I. Viewed thus, we need not even carry the discussion forward to ascertain whether Mohit and Kiran have been unfairly treated.

However, since it has been assiduously argued by Mr. Kaushik that Mohit after all belongs to the OBC category, and Mr. Kumar Gaurav appearing for Kiran has supported him, we consider it proper to deal with such argument too.

- 18.** Here, the Government of Uttar Pradesh is the appointing authority. The appointments would follow, once UPPRPB makes the necessary recommendations. The entire process of recruitment is regulated by statutory rules. Is it open to an aspirant or group of aspirants, who do not comply with the terms of the recruitment notification, to raise questions once the result(s) of selection is/are not palatable to him/them?
- 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 an 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.

- 20.** We are conscious of what this Court observed in paragraphs 15 to 19 of its decision in ***Meeta Sahai v. State of Bihar***<sup>24</sup> under the heading 'Preliminary Issues'. If the procedure followed by the selecting

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<sup>24</sup> (2019) 20 SCC 17

body/appointing authority is such that the same is in breach of constitutional safeguards, an aspirant's challenge to the procedure may not be nipped in the bud only on the ground that he has participated in the process. We also read the decision as recognizing that it may not always be possible for an aspirant to foresee any illegality in the procedure followed, till such time the select list is published. In all such cases where the illegality could not have been foreseen, a challenge to the procedure cannot be spurned on the specious ground that the aspirant having participated in the process, he has forfeited his right.

- 21.** Be that as it may, clause 5.4(4) with which we are concerned is far from ambiguous. It is absolutely clear what UPPRPB required and what would be the consequence of non-adherence. In the wake of such requirement, no aspirant could possibly have any iota of doubt as to the format in which the certificate was to be issued. Even if Mohit and Kiran had doubts as to whether the certificates that they had would suffice, nothing prevented them from seeking such clarification and, at the same time, approach the concerned tehsildars to issue certificates in the requisite format. It has not been shown that obtaining a second certificate in the format required by the State Government was barred by any law. Having regard thereto, both Mohit and Kiran cannot take shelter under the plea that insistence on the part of UPPRPB of



certificates issued in the requisite format is a mere formality which could have been dispensed with since they had certificates issued in the other format.

- 22.** Finally, the reason why UPPRPB has insisted for the certificate in the requisite format as explained by Ms. Goel [recorded in paragraph 9 (vi) to (viii) above] commends our acceptance.
- 23.** We are conscious that aspirants similarly placed like Mohit and Kiran have been granted relief by the High Court earlier and coordinate Benches of this Court have not interfered with such decisions. However, in all such cases, the special leave petitions were dismissed at the admission stage and, therefore, do not operate as binding precedents.
- 24.** For the reasons aforesaid, Mohit and Kiran are not entitled to any relief.
- 25.** Consequently, the lead appeal is dismissed while the connected appeal is allowed.

.....J.  
**(DIPANKAR DATTA)**

.....J.  
**(MANMOHAN)**

**NEW DELHI;  
MAY 15 , 2025.**

