2026:AHC:237189

**A.F.R.**

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 18348 of 2026**

Mohit Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Siddharth Khare, Sr. Advocate |
| Counsel for Respondent(s) | : | C.S.C., Mahendra Narain Singh |

**Court No. - 52**

**HON'BLE MRS. MANJU RANI CHAUHAN, J.**

1. Heard Mr. Ashok Khare, learned Senior Advocate assisted by Mohd. Yasin, learned counsel for the petitioner, learned Standing Counsel for the State-respondent nos.1 and 2 as well as Mr. Nishith Yadav, learned counsel for respondent-Commission.

2. The present writ petition has been filed seeking quashing of the notification dated 16.10.2026 issued by the Secretary, Uttar Pradesh Public Service Commission, Prayagraj, whereby the petitioner's candidature has been rejected, along with a further prayer for a direction to the Commission to recommend his name for appointment to the post of Lecturer in Textile Technology pursuant to the notification dated 25.06.2026.

3. The brief facts of the case, as advanced by learned counsel for the petitioner, are that pursuant to the advertisement dated 15.09.2021 issued by the Uttar Pradesh Public Service Commission, the petitioner submitted his application within the prescribed time for consideration of his candidature for the post of Lecturer in Textile Technology. The last date for submission of the application form was 15.10.2021. While filling up the online application form, the petitioner had mentioned his category as Economically Weaker Section (EWS). He thereafter participated in the written examination conducted on 26.11.2025 and was declared successful in the EWS category. Consequently, vide interview letter dated 27.04.2026, he was called upon to participate in the interview scheduled

to be held on 05.05.2026.

4. Learned counsel for the petitioner further submits that while filling up the online application form, the petitioner had inadvertently mentioned his category as Economically Weaker Section (EWS), although he did not belong to the said category and was not in possession of an EWS certificate. Upon realising the aforesaid mistake, the petitioner, on 02.05.2026, prior to the scheduled interview, voluntarily submitted an affidavit before the Commission, categorically declaring that the mention of the EWS category in his application form was an inadvertent clerical/technical error. He accordingly requested the Commission to consider his candidature under the Unreserved category.

5. Learned counsel for the petitioner further submits that, vide interview letter dated 27.04.2026, the petitioner was called upon to participate in the interview scheduled to be held on 05.05.2026. It is further submitted that, in compliance with the interview letter, the petitioner appeared before the Commission and produced the requisite original certificates and other relevant documents. At the time of verification and production of documents, he also submitted a covering application, duly enumerating the documents produced by him, along with the aforesaid affidavit dated 02.05.2026, thereby placing the correct factual position before the Commission well before the scheduled interview.

6. Learned counsel for the petitioner, therefore, contends that the petitioner had neither concealed any material fact nor sought to secure any undue advantage by claiming reservation under the EWS category. On the contrary, prior to participating in the interview, he had voluntarily brought the inadvertent error to the notice of the Commission and expressly sought consideration of his candidature under the Unreserved category. It is, thus, argued that the mere incorrect mention of the EWS category in the online application form, particularly when the petitioner had voluntarily disclosed and rectified the mistake before the interview and had not availed any benefit of the said category, could not, by itself, constitute misrepresentation or misconduct warranting cancellation of his candidature. The impugned action of the Commission is, therefore, assailed as arbitrary, unjustified and legally unsustainable.

7. Despite the aforesaid, on 05.05.2026, an undertaking was obtained from the petitioner to the effect that he had not yet produced the EWS certificate and that the same would be furnished on or before 20.05.2026. The furnishing of the aforesaid undertaking was made a pre-condition for permitting the petitioner to participate in the interview. Accordingly, upon submission of the undertaking, the petitioner was permitted to participate in the interview held on 05.05.2026.

8. Thereafter, on 25.06.2026, the respondent Commission issued a notification publishing the select list for the posts of Lecturer in Pharmacy, Textile Technology and Architecture. In the select list so published, the petitioner was placed at Serial No. 4 in order of merit and was shown as selected under the UR/EWS category. However, his selection was indicated to be provisional.

9. Aggrieved by the provisional nature of his selection, the petitioner submitted a representation dated 29.06.2026 before the Secretary of the respondent Commission, requesting that the provisional status of his selection be removed and that his candidature be recommended for appointment as a duly selected candidate under the Unreserved (UR) category.

10. Without taking any decision on the aforesaid representation, the Commission proceeded to recommend the names of 34 selected candidates, out of the 35 candidates included in the select list, to the Technical Education Department for appointment. However, no recommendation was made in respect of the petitioner.

11. Subsequently, on 16.10.2026, the Secretary of the respondent Commission issued the impugned notification, recording therein that the candidature of one selected candidate had been cancelled and recommending the name of Suraj Singh, bearing Roll No. 0900854, as a selected candidate. Notably, no separate order cancelling the petitioner's candidature has ever been served upon him, nor was any decision communicated to him regarding the representation submitted on 29.06.2026. In the aforesaid circumstances, the petitioner has approached this Court by means of the present writ petition, assailing the notification dated 16.10.2026 issued by the Secretary of the respondent Commission.

12. Learned counsel for the petitioner submits that, owing to an inadvertent mistake while filling up the online application form, the petitioner had mentioned his category as EWS, whereas he actually belongs to the Unreserved (UR) category. It is further submitted that the petitioner has neither claimed nor availed any benefit or concession admissible to a candidate belonging to the EWS category. In fact, the petitioner deposited the application fee applicable to a General Category candidate and participated in the selection process on his own merit. It is contended that the petitioner was ultimately selected in the Unreserved Category and, therefore, the mere inadvertent mention of EWS category in the application form, without availing any corresponding benefit, could not have furnished a valid ground for cancellation of his candidature.

13. Learned counsel for the petitioner further submits that, although the petitioner had inadvertently mentioned his category as EWS while submitting the online application form, prior to appearing in the interview, on 02.05.2026, he had furnished an affidavit categorically stating that the EWS category had been mentioned due to a bona fide mistake and that he had neither claimed nor availed any benefit or concession whatsoever admissible to a candidate belonging to the said category. It is further pointed out that the petitioner had deposited the application fee applicable to a General Category candidate, thereby demonstrating that he had not sought to derive any advantage on the basis of his erroneous declaration. Despite the petitioner having disclosed the mistake and clarified his actual category before participating in the interview, the respondent Commission proceeded to cancel his candidature. It is, therefore, contended that the impugned action is arbitrary, unjustified and contrary to the settled principles governing public employment and the application of reservation rules, particularly when the petitioner had competed on his own merit and had not availed any preferential treatment or concession under the EWS category.

14. Learned counsel for the petitioner submits that the mere mentioning of the EWS category in the application form, owing to an inadvertent mistake, cannot, in the facts and circumstances of the present case, be construed as an act of misconduct or misrepresentation, particularly when the petitioner had, even prior to appearing in the interview, furnished an

affidavit dated 02.05.2026 categorically clarifying that the aforesaid declaration had been made inadvertently and that he actually belonged to the Unreserved Category. It is contended that such voluntary disclosure, made before the culmination of the selection process, sufficiently demonstrates the bona fide nature of the mistake and negates any intention on the part of the petitioner to secure an undue advantage by claiming reservation. In the absence of any benefit or concession having been claimed or availed under the EWS category, the subsequent cancellation of his candidature on the ground of the aforesaid erroneous declaration is wholly unjustified and unsustainable in law.

15. Learned counsel for the petitioner further submits that the petitioner has secured selection on the basis of his own merit in the Unreserved Category, without seeking or availing any benefit, concession or preferential treatment admissible to a candidate belonging to the EWS category. It is, therefore, contended that once the petitioner is found eligible for consideration against an Unreserved Category vacancy on the basis of his merit, his candidature cannot be invalidated merely on account of an inadvertent and erroneous declaration of his category as EWS in the application form, particularly when such error was voluntarily disclosed and duly clarified by way of an affidavit furnished prior to his participation in the interview. The mere mis-description of his category, in the absence of any corresponding claim to reservation or any attempt to secure an undue advantage, cannot constitute a legitimate ground for denying him consideration in the Unreserved Category. The respondent Commission, therefore, could not have rejected or cancelled his candidature without examining his claim for selection against the Unreserved Category on the basis of his merit and eligibility.

16. It is, thus, contended that the action of the respondent Commission is wholly arbitrary, discriminatory and unsustainable in law, being contrary to the settled principles governing public employment and the application of reservation rules. The petitioner, having secured the requisite merit for selection against an Unreserved Category vacancy and having neither claimed nor availed any benefit or concession under the EWS category, could not have been deprived of his legitimate claim to selection merely on account of an inadvertent error in the declaration of his category,

particularly when the same had been duly disclosed and rectified before his participation in the interview. Learned counsel, therefore, submits that the notification dated 16.10.2026 is liable to be quashed and the petitioner is entitled to consequential relief, including a direction to the respondent Commission to recommend his candidature for appointment to the post of Lecturer in Textile Technology, pursuant to the select list notified on 25.06.2026.

17. Learned counsel for the petitioner, placing reliance upon the judgment rendered by the Division Bench of this Court in Writ-A No. 8882 of 2023 (Pankhudi Agarwal v. State of U.P. and 2 Others), decided on 17.07.2023, submits that a clear distinction is required to be drawn between an incorrect or unsubstantiated disclosure and a deliberate false or misleading representation made with the intention of securing an undue advantage. He further submits that this Court has observed that a mere failure on the part of a candidate to substantiate a claim for reservation would not, by itself, amount to furnishing false or misleading information so as to warrant cancellation of the entire candidature. Although such a candidate may be dis-entitled to the benefit of the particular reservation claimed, the deficiency cannot automatically result in exclusion from the selection process in the absence of any finding of dishonest or deceitful conduct. It is further contended that where the recruitment advertisement prescribes distinct consequences for different deficiencies, the recruiting authority cannot impose the extreme penalty of cancellation of candidature for an eventuality for which such consequence has not been contemplated. Learned counsel, therefore, submits that the impugned decision fails to maintain proportionality between the nature of the alleged default and the consequence imposed and that an innocent or unsubstantiated claim cannot be equated with deliberate misrepresentation. On the aforesaid premise, it is contended that the impugned notification is arbitrary, illegal and unsustainable in law and is, therefore, liable to be quashed. Consequently, a direction deserves to be issued to the respondents to consider the candidature of the petitioner for the post of Lecturer in Textile Technology in accordance with law.

18. Per contra, learned counsel appearing for the respondent Commission, Mr. Nishith Yadav, on the basis of instructions received, which have been

placed on record, submits that the action of the Commission is in conformity with the terms and conditions stipulated in the advertisement dated 15.09.2021. Referring to Condition No. 1 under the heading "Important Instructions" of the said advertisement, he submits that the condition expressly stipulates as follows:

"If, at any stage, it is found that the candidate has concealed or misrepresented any desired/required information, his candidature may be cancelled and other appropriate action, including debarment may be initiated against him."

19. On the strength of the aforesaid condition, learned counsel for the respondent Commission seeks to justify the action taken against the petitioner on the ground that the petitioner had declared himself to be belonging to the EWS category in his application form, whereas he did not fulfil the requirements of the said category.

20. Learned counsel for the respondent Commission has further drawn the attention of the Court to the instructions furnished to applicants for submission of online applications, wherein Clause 4, under the heading "Modify Submitted Application", provides as follows:

"If a candidate comes to know of any error/errors in the submitted application form, except in the name of the examination and type of recruitment, registered mobile number, E-mail ID, Aadhaar number and such cases where the prescribed fee for the modified category is higher (in case of errors in these entries, the candidate may submit a fresh online application along with the prescribed fee, as the fee previously deposited shall neither be adjusted nor refunded), he/she will be given only one opportunity to modify it/them according to the following procedure before the last date of submission of the application form."

21. Learned counsel for the respondent Commission has further invited the attention of the Court to Clause 13 of the advertisement, which deals with the important instructions for candidates. In particular, he has placed reliance upon Clause 13.2, which stipulates as follows:

"The claim of category, sub-category, domicile, gender, date of birth, name and address shall remain valid only up to the last date of submission of the online application. In this regard no application for error correction/modification shall be

acceptable. Incomplete application forms shall be summarily rejected and no correspondence in this regard shall be entertained. In the event of submission of false/misleading information, the candidature shall be cancelled."

22. He has also placed reliance upon Clause 13.10 of the advertisement, which provides as follows:

"The Commission may admit the candidates provisional after summarily checking of the application but if it is found at any stage that applicant was not eligible or that his/her application should have been rejected or was not entertainable initially, his/her candidature will be rejected and if the candidate is selected, the recommendation of the Commission for appointment will be withdrawn."

23. On the basis of the aforesaid stipulations, learned counsel for the respondent Commission submits that the declaration made by the petitioner in the online application form was binding upon him and that the Commission was empowered under the express terms of the advertisement to reject his candidature even at a subsequent stage of the selection process.

"मैं यह भी घोषणा करता/करती हूँ कि इस आवेदन-पत्र में सारे विवरण/सूचनायें सत्य एवं सही हैं और मैंने इन विवरणों/सूचनाओं में कोई तथ्य नहीं छिपाया है। यदि कोई विवरण/सूचना असत्य या गलत पायी जाये या कोई तथ्य मेरे द्वारा छिपाया जाना पाया जाए तो मेरा अभ्यर्थन निरस्त कर दिया जाये। यदि नियुक्त किये जाने के उपरान्त ऐसी स्थिति प्रकाश में आये तो मेरी सेवायें समाप्त कर दी जाए।"

24. Drawing the attention of the Court to page 50 of the writ petition, learned counsel for the petitioner further submits that the petitioner was issued an interview letter dated 27.04.2026, wherein Clauses 4 and 8 specifically stipulate as follows:

"उक्त अभिलेखों के अभाव में आपका साक्षात्कार करना संभव नहीं होगा और आपका अभ्यर्थन निरस्त समझा जाएगा।"

बिन्दु संख्या 2

"साक्षात्कार के समय समस्त प्रमाण पत्रों, उपाधियों, अंकतालिकाओं एवं अनुभव प्रमाण पत्र की मूल ( Original) प्रतियां अपने साथ अवश्य लाएं। यदि पद के लिए निर्धारित अर्हता से संबंधित मूल (Original) डिग्री तथा प्रमाण पत्र उपलब्ध न हो तो संबंधित संस्था के सक्षम प्राधिकारी द्वारा प्रदत्त अस्थायी (Provision

al) प्रमाण पत्र अपने साथ अवश्य लाएं अन्यथा आपका साक्षात्कार नहीं किया जाएगा।”

बिन्दु संख्या 4

“यदि आपने किसी आरक्षित श्रेणी के अभ्यर्थी होने का दावा किया है, तो शाशन द्वारा निर्धारित प्रारूप पर (जो वेबसाइट पर उपलब्ध है) वांछित प्रमाण पत्र की मूल प्रति साक्षात्कार के समय प्रस्तुत करें एवं उसकी एक अभिप्रमाणित अथवा फोटोस्टेट कॉपी भी प्रस्तुत करें।”

25. Drawing the attention of the Court to page 56 of the writ petition, learned counsel for the respondent Commission, Mr. Nishith Tyagi, submits that the petitioner had furnished an Abhivachan Patra (undertaking) dated 05.05.2026, requesting permission to participate provisionally in the interview on the assurance that he would submit the EWS category certificate within fifteen days, i.e., by 20.05.2026. Learned counsel, therefore, seeks to contend that the petitioner had himself undertaken to furnish the requisite EWS certificate within the stipulated period.

26. Learned counsel for the respondent Commission further submits that the conduct of the petitioner cannot be regarded as bona fide or a mere inadvertent error. It is contended that, despite being fully aware that he did not belong to the EWS category, the petitioner furnished an undertaking dated 05.05.2026, falsely assuring the Commission that he would produce the requisite EWS certificate within fifteen days, solely with a view to securing permission to participate in the interview. Learned counsel further submits that the petitioner, having received the interview letter, submitted an application dated 02.05.2026, (in case given before Commission)yet proceeded to furnish the aforesaid undertaking. Such conduct, according to learned counsel, was neither fair nor transparent and amounted to deliberate misrepresentation of material particulars for the purpose of gaining entry into the interview process. It is, therefore, urged that the petitioner's conduct cannot be condoned as an innocent or inadvertent mistake, particularly when the undertaking was furnished as a condition precedent to his participation in the interview.

27. The select list pursuant to the Uttar Pradesh Technical Education (Teaching) Service Examination, 2021, conducted in respect of 21 posts of Lecturer in Pharmacy and 9 posts of Lecturer in Textile Technology,

was declared by the Commission. The list contains the particulars of 36 candidates, with their respective positions determined after taking into consideration the applicable vertical and horizontal reservation provisions. The selection and placement of candidates in the respective categories have been reflected in the said list in accordance with the relevant reservation criteria.

28. In the said select list, the petitioner finds mention at Serial No. 4 under the UR/EWS category, with his selection status specifically indicated as “Provisional”. It is further pointed out that, in paragraph no.38 of the writ petition, which has been verified on the basis of personal knowledge, the petitioner has averred that he secured marks higher than those obtained by the last candidate selected under the General Category. However, no specific factual foundation has been laid in the writ petition, nor has any authentic material been placed on record to establish whether the petitioner was actually selected against an Unreserved Category vacancy on the basis of his merit or was selected under the EWS category, as declared by him in his online application form. Thus, the petitioner's assertion regarding his entitlement to selection under the Unreserved Category remains unsupported by any specific particulars or cogent documentary evidence.

29. In view of the express terms and conditions stipulated in the advertisement, particularly Clauses 13.2 and 13.10, and having regard to the declaration and undertaking furnished by the petitioner himself, learned counsel for the respondent Commission submits that the impugned notification dated 16.10.2026 suffers from no illegality, infirmity or procedural impropriety warranting interference by this Court in exercise of its writ jurisdiction.

30. On the basis of the instructions received, learned counsel for the respondent Commission further submits that the written examination of all candidates who had submitted online applications pursuant to the advertisement was conducted on 26.11.2025, which was an objective-type examination. The result thereof was declared on 22.04.2026, wherein 88 candidates were declared successful and shortlisted for interview. Accordingly, interviews were conducted on 04, 05 and 06 May, 2026.

The petitioner appeared for the interview on 05.05.2026. However, owing to his failure to produce the original EWS certificate along with its photocopy, he was provisionally permitted to participate in the interview. The final result for the post in question was declared on 25.06.2026, wherein the petitioner was placed at Serial No. 4 in the select list, albeit with his selection being kept provisional.

31. It is further submitted that, on the date of interview, i.e., 05.05.2026, the petitioner had furnished an affidavit dated 02.05.2026, wherein he categorically stated as follows:

"While filling up the online application form, owing to a clerical/technical error, I inadvertently marked 'Yes' in the column relating to the Economically Weaker Section (EWS) category. I do not possess any valid certificate belonging to the EWS category in accordance with the conditions stipulated in the advertisement, nor do I intend to claim reservation under the said category. It is, therefore, respectfully requested that my candidature may kindly be considered under the General (Unreserved) Category."

32. In this regard, learned counsel for the respondent Commission submits that Clause 2 under the heading 'Important Instructions for Candidates' in Clause 13 of the advertisement dated 15.09.2021 expressly stipulates that only claims relating to category, sub-category, domicile, gender, date of birth, EWS, creamy layer, name and address, as furnished up to the last date of submission of the online application, shall be treated as valid. It further provides that no subsequent alteration in the aforesaid particulars shall be permissible and that no representation seeking correction or modification of any error in this regard shall be entertained.

33. Learned counsel for the respondent Commission further submits that, pursuant to a decision taken by the Commission on 02.08.2024, it was expressly stipulated that, in all examinations/selections, the particulars relating to category, sub-category, domicile, gender, date of birth, EWS, creamy layer, name and address, as declared by a candidate while submitting the online application, would remain valid only up to the last date or the last date of modification of the online application, as the case may be. No alteration in the aforesaid particulars would be permissible after the expiry of the stipulated date, nor would any representation seeking correction of an error in this regard be entertained. It was further

stipulated that, in the event of submission of incorrect information by a candidate, his/her candidature would be liable to cancellation. Learned counsel further submits that the EWS category certificate furnished by a candidate must be valid for the year immediately preceding the year in which the application is submitted, in accordance with the Office Memorandum dated 18.02.2019 issued by the Department of Personnel, Government of Uttar Pradesh, under Personnel Section-1.

34. Learned counsel for the respondent Commission further submits that, in view of the categorical declaration made by the petitioner in his affidavit dated 02.05.2026, wherein he admitted that he did not possess any valid certificate belonging to the EWS category in accordance with the conditions stipulated in the advertisement, and having regard to Clause 2 under the heading “Important Instructions for Candidates” contained in Clause 13 of the advertisement dated 15.09.2021, as well as the decision of the Commission dated 02.08.2024, any subsequent alteration of the petitioner's declared category was impermissible. Consequently, the Commission proceeded to cancel the candidature of the petitioner, Mohit Kumar. Upon cancellation of his candidature, the Commission declared the result vide notification dated 16.10.2026, whereby candidate Suraj Singh was selected against the resultant vacancy. It is further submitted that the recommendation of the said selected candidate has already been forwarded to the State Government on 22.10.2026.

35. Learned counsel for the respondent Commission has also drawn the attention of the Court to the instructions received, according to which the petitioner had submitted two representations dated 29.06.2026 and 03.08.2026 before the office of the Commission. However, in view of the express stipulations contained in the advertisement and the decision of the Commission, which prohibited any alteration in the category declared by a candidate after the prescribed date, and since the petitioner's candidature had already been cancelled on that basis, the Commission did not consider it necessary to take any further action on the aforesaid representations. Accordingly, the same were consigned to the records.

36. Learned counsel further submits that, in response to the information sought by the petitioner under the Right to Information Act, 2005, vide

application dated 10.08.2026, an Office Memorandum dated 02.09.2026 was dispatched through Speed Post to the address furnished by the petitioner in his application. However, the postal article was returned to the Commission's office on account of the address being found incorrect or unavailable. Thereafter, the said Office Memorandum was once again dispatched through Speed Post, along with the representation submitted by the petitioner, to the address mentioned in his Aadhaar Card. However, on the second occasion as well, the postal article was returned to the Commission's office on account of the address being found incorrect or unavailable.

37. In conclusion, learned counsel for the respondent Commission submits that, in view of the categorical declaration made by the petitioner in his affidavit dated 02.05.2026 regarding non-possession of a valid EWS category certificate, coupled with the express conditions stipulated in the advertisement and the subsequent decision of the Commission dated 02.08.2024, the petitioner could not have been permitted to alter his declared category from EWS to Unreserved. The Commission, therefore, cancelled his candidature and proceeded to fill the resultant vacancy by selecting the next eligible candidate, namely, Suraj Singh. It is accordingly contended that the impugned action of the Commission suffers from no illegality or infirmity warranting interference by this Court in exercise of its writ jurisdiction.

38. Learned counsel for the respondent Commission submits that the category declared by a candidate in the online application form cannot be altered after the expiry of the last date prescribed for submission or modification of the application. It is further contended that, since the petitioner himself admitted in his affidavit dated 02.05.2026 that he did not possess a valid EWS category certificate, the Commission was justified in treating his candidature as liable to cancellation in terms of the conditions stipulated in the advertisement and the decision of the Commission dated 02.08.2024. Accordingly, upon cancellation of the petitioner's candidature, the resultant vacancy was filled by recommending the next eligible candidate, namely, Suraj Singh. Learned counsel, therefore, submits that the impugned notification dated 16.10.2026 suffers from no illegality or infirmity and does not warrant interference by this Court in exercise of its writ jurisdiction.

39. Learned counsel appearing for the respondents submits that the judgment rendered by the Division Bench of this Court in **Pankhudi Agarwal (supra)**, is clearly distinguishable on facts and has no application to the controversy involved in the present case. He submits that in the aforesaid case, the factual position was materially different, inasmuch as the candidate therein had disclosed her claim under the relevant reservation categories at the stage of submission of the application, and the issue with regard to the unsubstantiated claim under one of the reservation categories arose while the selection process was still at the stage preceding the Main Examination. In contrast, in the present case, the petitioner disclosed the correct factual position only after having participated in the selection process and upon being declared successful and called for interview. Learned counsel further submits that the specific stipulations contained in the advertisement, governing the declaration of category and the consequences of furnishing incorrect information, read with the affidavit furnished by the petitioner, are of considerable significance and cannot be overlooked. The subsequent disclosure, made at such an advanced stage of the selection process, cannot be equated with a timely and bona fide correction of the declaration furnished at the initial stage of recruitment. It is, therefore, contended that the controversy in the present case is not merely whether the petitioner ultimately secured sufficient marks for consideration under the unreserved category, but whether the initial declaration made by him, in the face of the specific conditions of the advertisement and the affidavit furnished, amounted to material misrepresentation. Learned counsel thus submits that the ratio laid down in **Pankhudi Agarwal (supra)** is distinguishable and cannot be invoked to invalidate the impugned action taken by the respondents in accordance with the conditions of recruitment.

40. Learned counsel appearing for the respondents further places reliance upon the judgment rendered by this Court in Writ-A No. 17824 of 2019 ( Prabhakar Mani Tripathi v. State of U.P. and 3 Others), decided on 21.11.2019, wherein the writ petition was dismissed , considering the objection raised on behalf of the respondents, the Court took note of the specific stipulation contained in the recruitment advertisement to the effect that no change in category, sub-category or date of birth would be

permissible after receipt of the application form in the office of the Commission and that no application seeking correction or modification in that regard would be entertained. Learned counsel submits that, in view of the aforesaid express condition in the advertisement, the candidate's subsequent claim for alteration of the category could not have been entertained by the Commission. It is, therefore, contended that once a candidate submits an application declaring a particular category, he cannot, at a subsequent stage of the selection process, seek to alter or withdraw such declaration contrary to the express conditions of the advertisement. The respondents, accordingly, contend that the petitioner's claim for consideration under a different category was rightly not entertained and that the impugned action of the Commission calls for no interference.

41. Placing further reliance upon the judgment of the Hon'ble Supreme Court passed in the case of **The State of Tamil Nadu and others v G. Hemalathaa and another**, reported in **(2020)19 SCC 430**, learned counsel appearing for the respondent Commission submits that the conditions and instructions stipulated in the recruitment advertisement are mandatory in nature and are binding upon all candidates participating in the selection process. It is contended that neither a candidate can claim any relaxation contrary to the express terms of the advertisement nor can the recruiting authority permit deviation therefrom at an advanced stage of the selection process. Learned counsel further submits that adherence to the prescribed conditions is essential to maintain uniformity, transparency and fairness in the recruitment process and that the Commission is equally bound by the terms of the advertisement and cannot selectively relax them in favour of an individual candidate. In this regard, learned counsel has invited the attention of the Court to the following observations made by the Hon'ble Supreme Court:

"8. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the respondent. The Instructions issued by the Commission are mandatory, having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission."

42. Learned counsel appearing for the respondent Commission further submits that a challenge to the rejection of candidature ought not ordinarily to be entertained in a manner that may impede or stall the expeditious completion of the recruitment process, thereby causing prejudice to thousands and lakhs of other aspirants awaiting the outcome of the selection. In support of his contention, learned counsel for respondent-Commission has placed reliance upon the judgment of the Hon'ble Supreme Court passed in the case of **Poonam Dwivedi and Others v. State of U.P. and Others**, reported in **(2026 SCC Online SC 577)**, wherein the candidature of the petitioner therein had been rejected on account of an error in the application form. It is submitted that the Hon'ble Supreme Court, while considering the challenge to such rejection, emphasised the need to ensure that recruitment proceedings are not unnecessarily delayed or derailed by individual claims, particularly when the interests and expectations of a large number of candidates are involved. Learned counsel, therefore, submits that the present challenge deserves to be considered keeping in view the larger public interest in the timely conclusion of the recruitment process. In this regard, he has placed reliance upon the following observations of the Hon'ble Supreme Court:

"28. Before parting, we would like to observe that in matters of public recruitment, where large number of candidates participate, application forms are submitted online along with the scanned eligibility documents, certificates, etc. Such applications are processed through computer applications/software and therefore, any error in the application is bound to result in rejection of the candidature. Challenge to such a rejection must not ordinarily be entertained as it could stall expeditious completion of the recruitment process thereby frustrating thousands and lacs of aspirants."

43. Having considered the rival submissions advanced by learned counsel for the parties, the material available on record, the conditions stipulated in the advertisement and the judicial precedents relied upon, this Court finds that the controversy essentially turns upon the nature of the declaration made by the petitioner at the time of submitting his application and the consequences flowing from his subsequent conduct in the course of the selection process.

44. It is not in dispute that the petitioner, while submitting his online

application for the post of Lecturer, consciously indicated his category as Economically Weaker Section (EWS) and thereby sought consideration of his candidature under the said category. Subsequently, when he failed to furnish the requisite EWS certificate, he submitted an affidavit acknowledging that the EWS category had been erroneously indicated in his application. However, instead of maintaining the aforesaid position consistently and seeking consideration of his candidature exclusively in the Unreserved category, the petitioner, prior to appearing in the interview, furnished a further undertaking before the Commission, assuring it that he would produce the requisite EWS certificate within fifteen days. The said undertaking cannot be viewed as an isolated procedural formality, divorced from the declaration contained in the original application and the subsequent affidavit. The petitioner, having made successive declarations at different stages of the same selection process, was expected to maintain consistency and candour in his representations before the recruiting authority.

45. The submission that the undertaking was furnished merely to secure permission to participate in the interview does not, by itself, absolve him of the consequences flowing from the representation so made. A candidate cannot be permitted to treat a solemn undertaking as a mere instrumentality for securing an opportunity to participate in the next stage of selection and subsequently disown the obligation voluntarily undertaken by him. The contention advanced on behalf of the petitioner that he has ultimately secured sufficient merit for consideration in the Unreserved category and has not actually availed any reservation benefit also requires examination in the context of the governing conditions of recruitment. Undoubtedly, a reserved-category candidate who secures selection on the basis of his own merit, without availing any concession or relaxation, may be entitled to consideration against an Unreserved vacancy. However, such a principle cannot be divorced from the prescribed procedure or construed as conferring an unfettered right upon a candidate to alter the category declared by him at any stage of the selection process, irrespective of the express stipulations of the advertisement. The Unreserved category is not a residual avenue which may be invoked at the convenience of a candidate after his original declaration has been acted upon by the Commission.

46. The terms and conditions of the advertisement constitute the governing framework of recruitment and are equally binding upon the candidates as well as the recruiting authority. The Commission cannot be compelled to depart from the notified conditions merely to accommodate an individual candidate, nor can this Court, in exercise of its extraordinary jurisdiction, sanction a course of action which is contrary to the prescribed recruitment procedure. The principle enunciated by the Supreme Court in Bedanga Talukdar v. Saifudaullah Khan, (2011) 12 SCC 85, that the conditions of an advertisement cannot be relaxed except in accordance with an express enabling provision, reinforces the aforesaid position.

47. In response to the contention advanced on behalf of the petitioner that he had ultimately secured sufficient merit to warrant consideration under the Unreserved Category and had not, in fact, availed himself of any benefit of reservation and, therefore, his candidature could not validly be cancelled, this Court considers it appropriate to examine the decision of the Division Bench of this Court in Writ-A No.36163 of 2013 (Pankaj Singh v. State of U.P. and Others), decided on 12.08.2013.

48. In the aforesaid case, the petitioner had applied for selection to the post of Lecturer under the OBC category and was subsequently unable to furnish a certificate in the prescribed form within the period stipulated by the Commission. The Division Bench, while examining General Instruction No. 11 of the advertisement applicable therein, found that the said instruction specifically contemplated that a candidate who failed to establish his entitlement to reservation would be treated as a General category candidate. It was in the backdrop of that express stipulation, and in the absence of any material demonstrating that the petitioner's declaration regarding his OBC status was false, that the Division Bench held that the Commission could not cancel his candidature altogether and was required to consider him in the Unreserved category, subject to his merit. The Division Bench further observed that an undertaking furnished by a candidate could not enable the Commission to act contrary to the express terms and conditions of its own advertisement. The ratio of the aforesaid judgment, therefore, is that where the advertisement itself provides for consideration of an unsuccessful reserved-category claimant

in the General category, the Commission is bound to give effect to such stipulation, and mere inability to furnish a proper category certificate, without anything further demonstrating falsity of the declaration, would not justify cancellation of the entire candidature. However, the aforesaid decision cannot be construed as laying down an inflexible proposition that every candidate who initially declares himself to belong to a reserved category is invariably entitled to seek consideration in the Unreserved category, irrespective of the specific conditions of the advertisement and the circumstances attending his declaration. The material distinction sought to be drawn in the present case lies in the petitioner's own successive declarations and the specific stipulations governing the present recruitment. Unlike a case resting merely upon the inability to furnish a valid category certificate, the petitioner herein initially acknowledged through an affidavit that the EWS category had been incorrectly indicated and, thereafter, furnished a further undertaking to produce the EWS certificate within fifteen days. The Commission was, therefore, required to examine his candidature in the light of the original declaration, the subsequent affidavit and the undertaking furnished before the interview, read together with the relevant conditions of the advertisement. More importantly, the protection afforded in Pankaj Singh was founded upon the existence of an express provision in General Instruction No. 11 permitting consideration in the Unreserved category, a corresponding stipulation being required to be established in the present advertisement before the petitioner can claim an identical consequence. The petitioner cannot claim the benefit of a condition which is not contained in the governing advertisement, nor can the ratio of a judgment be extended beyond the factual and statutory setting in which it was rendered. The submission that the petitioner had secured sufficient marks in the Unreserved category cannot, in itself, cure a material violation of the conditions governing his candidature, if such violation is established from the record. At the same time, it is clarified that the mere furnishing of an inconsistent affidavit or failure to produce an EWS certificate cannot, without more, be elevated to a finding of fraud or deliberate misrepresentation; such a conclusion must necessarily rest upon the precise language of the advertisement and cogent material establishing the nature and effect of the petitioner's declaration. In the present case, if, as

borne out from the relevant stipulations of the advertisement, a candidate furnishing an incorrect or false category declaration is liable to the consequences prescribed therein, and no corresponding provision exists permitting automatic conversion of such candidature into the Unreserved category, the Commission cannot be faulted for enforcing those conditions.

49. The Court cannot substitute an individualized standard of indulgence for the uniform criteria governing all candidates, as that would be antithetical to the principles of fairness, transparency and equality in public employment embodied in Articles 14 and 16 of the Constitution. Consequently, upon the aforesaid considerations, and subject to the advertisement containing the stipulated consequence of cancellation and the Commission having established a material and deliberate misrepresentation on the petitioner's part, this Court finds no ground warranting interference with the impugned action.

50. Even otherwise, this Court finds no ground warranting interference with the impugned order, particularly in view of the fact that the petitioner's candidature has been validly cancelled in accordance with the terms and conditions stipulated in the advertisement and the applicable recruitment framework. Consequent thereto, the Commission has already recommended the candidature of Suraj Singh against the resultant vacancy. In the considered opinion of this Court, once the cancellation of the petitioner's candidature is found to be legally sustainable, the consequential recommendation made by the Commission cannot be faulted with. No illegality, arbitrariness or procedural impropriety is, therefore, discernible in the impugned action so as to warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

51. The writ petition is **dismissed**, accordingly. There shall be no order as to costs.

**(Mrs. Manju Rani Chauhan,J.)**

**November 16, 2026**
K.N.

Digitally signed by :-
KALP NATH SINGH
High Court of Judicature at Allahabad