



**REPORTABLE**

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

**CIVIL APPEAL NO. 3957 OF 2023**

**SAKSHI ARHA**

**... APPELLANT**

**VERSUS**

**THE RAJASTHAN HIGH COURT & ORS. ... RESPONDENTS**

**WITH**

**CIVIL APPEAL NO. 3958-3961 OF 2023**

**CIVIL APPEAL NO. 3963 OF 2023**

**CIVIL APPEAL NO. 3962 OF 2023**

**CIVIL APPEAL NO. 3909 OF 2023**

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

**AUGUSTINE GEORGE MASIH, J.**

1. The present set of appeals have travelled to this 3-Judge Bench as a result of the split verdict delivered through Judgment dated 18.05.2023 in Civil Appeal No. 3957 of 2023 and other connected matters, including Civil Appeal No. 3908 of 2023 which was de-

tagged from the instant batch vide Order dated 06.11.2024, by Division Bench of this Court.

2. The factual backdrop in the present set of appeals is being culled primarily from the Civil Appeal No. 3957 of 2023, as it is agreed that the issue involved in these appeals arises from the 2010 Rules which regulate the appointment of Civil Judges in the state of Rajasthan and the relevant facts are identical.

- 2.1 The Rajasthan High Court – Respondent No. 1 published an Advertisement dated 22.07.2021 (hereinafter referred to as “Advertisement”) inviting applications for appointment to the post of Civil Judge Cadre being the “Civil Judge Examination 2021” as per the Rajasthan Judicial Service Rules, 2010 (hereinafter referred to as “2010 Rules”), which was admittedly silent on the aspect of the last date of issuance of the concerned certificates for each reserved category. The last date for receipt of the applications was 31.08.2021. Preliminary Test was held on 28.11.2021 followed by the conduct of the Mains Examinations on 30.04.2022 to 01.05.2022. A Notice dated 04.08.2022 (hereinafter referred to as “Subsequent Notice”) was issued, which mentioned that the concerned reserved category certificates ought not to have been issued beyond 31.08.2021.

3. The Appellants in all the appeals belong to different reserved categories, i.e., Other Backward Classes (Non-Creamy Layer) (hereinafter referred to as “OBC-NCL”), Most Backward Classes (Non-Creamy Layer) (hereinafter referred to as “MBC-NCL”) or Economically Weaker Section (hereinafter referred to as “EWS”) categories. These candidates successfully cleared their preliminary examination, followed by mains examination, as per the requirements of marks in their respective categories. However, as none of these candidates had their certificates issued as per the date specified in the Subsequent Notice, their names were not included in the list of the candidates called for interview.
4. This grievance compelled the Appellants to file a series of separate writ petitions before the High Court of Rajasthan, both at Jodhpur, and the Bench at Jaipur. The first and foremost writ was moved by Ms. Jyoti Beniwal, the Appellant in Civil Appeal No. 3909 of 2023 herein, before the Division Bench of High Court of Rajasthan as D.B. Civil Writ Petition No 11784 of 2022, challenging the condition imposed by the Rajasthan High Court in its Subsequent Notice, requiring candidates under the reserved category to submit a certificate issued within one year of the application deadline i.e. 31.08.2021 or a certificate issued between

31.08.2018 and 30.08.2020, along with an affidavit. The petitioner therein, having cleared the preliminary and mains examinations, contended that no deadline for submitting the OBC-NCL certificate was specified in the Advertisement, and therefore, the late imposition of this condition is arbitrary and unjust. Citing **Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board and Another**<sup>1</sup>, petitioner therein sought to be interviewed under the OBC-NCL category, referring to the lack of such a deadline in the Advertisement.

5. The High Court of Rajasthan, vide Order dated 18.08.2022, rejected the request, observing that OBC-NCL status is determined annually and requires a valid certificate at the time of the application submission. Relying on this Court's decision in **Ashok Kumar Sonkar v. Union of India and Others**<sup>2</sup>, it observed that where no specific date is provided for document submission, the cut-off date for application submission is applicable. The Division Bench also referred to other decisions, namely, **Gaurav Sharma v. State of U.P. through Principal Secy. and 3 Others**<sup>3</sup>, and **Rakesh**

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<sup>1</sup> (2016) 4 SCC 754

<sup>2</sup> 2007 (4) SCC 54

<sup>3</sup> 2017 SCC OnLine All 1286

***Kumar Sharma v. State (NCT of Delhi) and Others***<sup>4</sup>, which affirmed the necessity of certificates by the cut-off date. Thus, the certificate of the year 2016, as presented by the petitioner therein, was deemed to have failed to meet the requirements as per the law, and the writ petition was dismissed.

6. In the meantime, Ms Sakshi Arha, the Appellant in the Civil Appeal No. 3957 of 2023, had also moved the Jaipur Bench of the High Court of Rajasthan in D.B. Civil Writ Petition No. 12374 of 2022. Her petition was tagged along with other similar petitions, lead case thereof being D.B. Civil Writ Petition No. 12022 of 2022, titled as *Kuldeep Bhatia Vs. Registrar Examination, Rajasthan High Court* which were taken up together. As the said petitions came up for hearing, the Court on considering the factual and legal similarity of the dispute, viz-à-viz the case of *Ms Jyoti Beniwal (supra)*, the cases were dismissed vide Common Order dated 06.09.2022.
7. This resulted in the Appellants moving this Court by way of separate Special Leave Petitions which were vide separate orders tagged along with Civil Appeal No. 3957 of 2023.

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<sup>4</sup> (2013) 11 SCC 58

8. Since the Division Bench as mentioned above, could not unanimously conclude the fate of these Appellants at stake, the instant set of appeals have travelled before this 3-Judge Bench.
9. The counsels on behalf of the Appellants have argued that the High Court of Rajasthan has erred in not considering that the conditions introduced by the Subsequent Notice arbitrarily limited the Appellants' chances in the selection process, despite they having a OBC-NCL/MBC-NCL certificate since 2016, which was valid as per the Advertisement. This condition, therefore, violated fundamental rights of the Appellant(s). Moreover, there was no such requirement in the 2010 Rules as has been introduced by the Subsequent Notice.
10. They have further argued that while passing the impugned Order(s), the High Court of Rajasthan wrongly relied on **Ashok Kumar Sonkar (supra)**, which dealt with the qualification criteria. The factual matrix therein concerned with an income-based exclusion from OBC-NCL, which was not the case herein.
11. Moreover, the decision in **Ram Kumar Girjoya (supra)** was binding on the Court as the Advertisement only necessitated a valid caste certificate as per the

prescribed format but had not mandated its issuance within a specified period. The Appellants in the instant appeals are certified to be candidate of OBC-NCL/MBC-NCL category by the competent authority – which had considered the report of Tehsildar – and also the Income Tax Returns for the Assessment Years 2015-2016 to 2022-2023.

12. The decisions rendered by this Court in ***Dolly Chhanda v. Chairman, JEE and Others***<sup>5</sup> and ***Dheerender Singh Paliwal v. Union Public Service Commission***<sup>6</sup> were also brought to our attention to argue instances of relaxations that have been previously provided to candidates for submission of proof for the concerned documents, relying on which, respective candidates have made their claim for reservation.
13. In response to the collective submissions of the Appellants, Senior Advocate appearing on behalf of the Rajasthan High Court, argued that the benefit of OBC/MBC reservation in a public service is contingent on having been issued a NCL Certificate, which as per the Circulars dated 09.09.2015 and 08.08.2015 of the State of Rajasthan, is valid for a period of one year, and

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<sup>5</sup> (2005) 9 SCC 779

<sup>6</sup> (2017) 11 SCC 276

a certificate preceding past two years can be validated subsequently, through an affidavit to the said effect. The Advertisement explicitly provided for the candidate to produce a legally valid certificate. Thus, the action of the Respondent, to not include the Appellants in the list of candidates eligible to participate in the interview in the category of OBC-NCL/MBC-NCL, is in compliance with the law being neither *malafide* nor arbitrary. Moreover, the High Court of Rajasthan balanced the equity by directing that the result of the Appellant(s) concerned be declared treating them as if they had applied under the General Category.

14. It was further submitted that the decision in **Ashok Kumar Sonkar (supra)** clarified that in case of absence of a specified cut-off date, the last date of submission of form for the concerned advertisement is deemed so. Withal, this Court in **Rakesh Kumar Sharma (supra)** observed that if a relaxation is given to accept a concerned certificate after the cut-off date, it would be prejudicial to candidates who had not applied for the said reason.
15. The reliance placed by the Appellants on **Ram Kumar Girjoya (supra)** is also distinguishable from the instant factual matrix as the candidates herein do not possess a valid certificate to claim the benefit of reservation.



Moreover, while **Ram Kumar Girjoya (supra)** was referred to a larger bench by this Court vide Order dated 24.01.2020 in SLP (Civil) No. 14948 of 2016 and had its observations affirmed by the 3-Judge Bench vide Order dated 28.09.2022 in **Karn Singh Yadav v. Government of NCT of Delhi and Others**<sup>7</sup>, it did not provide any substantive relief to the Appellant therein.

16. We have heard the learned counsels at extensive length while pressing their respective submissions. Before we determine the fate of the Appellants before us, it is crucial to analyse the juxtaposition of the series of arguments presented before us, besides the settled legal positions.
17. Undoubtedly, while the status of a candidate belonging to the Scheduled Caste (hereinafter referred to as “SC”) or Scheduled Tribe (hereinafter referred to as “ST”) is determined by virtue of one’s birth. However, as opposed to the unabating virtue of being an SC or ST candidate, the status of a candidate claiming to be OBC-NCL or MBC-NCL or EWS is constantly subject to transposition owing to their social or economic status with the concerned jurisdiction. It is on the strength of this reasoning that the decision of 9-Judge Bench of this Court in **Indra Sawhney and Others v. Union of**

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<sup>7</sup> (2024) 2 SCC 588

**India and Others**<sup>8</sup> further categorized the backward classes into “Creamy” and “Non-Creamy” layers as an attempt to differentiate the affluent strata therein, so as to allow for the reservation for those who are truly warranting of the affirmative action by the state.

18. Tracing these footsteps, numerous decisions subsequently rendered by this Court crystalized this dynamic nature of status of other backward classes as against that of SCs or STs. Moreover, this court in a subsequent decision in **Indra Sawhney v. Union of India and Others**<sup>9</sup> clarified that while our nation, Republic of India, remains a caste-based society, the Constitution mandates that caste alone cannot be the basis for discrimination. Accordingly, reservation is justified only when the concern of both, backwardness and underrepresentation in services is addressed sufficiently. It further went on to observe that a caste may be identified as a backward class, but, the creamy layer ought to be excluded as the said set of strata is neither socially, nor economically backward. The inclusion of castes in the backward classes list requires relevant data and must avoid extraneous factors. Improper inclusion of forward castes or failure to exclude the creamy layer undermines the system,

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<sup>8</sup> 1992 Supp (3) SCC 217

<sup>9</sup> (2000) 1 SCC 168

depriving the genuinely disadvantaged of benefits. The Bench therein, also dealt with the decision in ***Ashoka Kumar Thakur v. State of Bihar and Others***<sup>10</sup>, in which, the Central Government had issued an Office Memorandum dated 08.09.1993 to provide for reservation to certain categories, and admittedly, they belonged to creamy layer.

19. As the determination is clearly varied, it is important to partake the correct implementation of the laws of the land, and, as that attempt, the NCL certificate was introduced in the year 1993 by the Central Government. As part of the said policy, the Tehsildar of the concerned State Government was empowered to issue the said certificate, subject to the relevant guidelines and procedure, as may have been laid down by the respective State Governments.
20. In light of the powers conferred thereof, the State of Rajasthan through its Department of Social Justice and Empowerment keeps issuing relevant directions and/or guidelines vis-à-vis issuances of necessary caste certificates. A perusal of the said circulars establishes a clear position as to its validity.

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<sup>10</sup> (1995) 5 SCC 403

21. The Circular dated 09.09.2015 notified that a certificate for NCL category shall only be valid for a period of one year. Moreover, if it is a case that the concerned applicant has not transgressed out of the said category in the following year, an affidavit by him/her, as provided in the Appendix-D, would allow the initially issued certificate to be deemed as valid. However, the maximum period to allow for this practice to continue is three years.

21.1 As a reference, the relevant paragraph of the Circular dated 09.09.2015 is reproduced below:

*“4. Validity Period of Caste Certificate:*

- 1. The validity of caste certificates issued for SC / ST will be lifetime whereas the certificate for OBC will be issued only once but the fact that the person is not in the creamy layer will be recognised on the basis of a valid affidavit up to three years.*
- 2. The certificate of non-creamy layer will be valid for one year. Once the certificate of non-creamy layer is obtained, if the applicant is not in the creamy layer in the next year as well, then in such a situation an affidavit (Appendix-D) will be obtained from him, where the earlier issued non-creamy layer certificate shall be deemed valid, this can be done for a maximum period of three years.”*

22. This position was subsequently clarified and crystalised by the State of Rajasthan in Circular dated 08.08.2019. The relevant portion reads as follows:

**“Government of Rajasthan**

**Department of Social Justice and Empowerment**

**No.F-11/SCST/OBC/SBC Date: 08.08.2019**

*...Therefore, it is once again clarified in this regard that the caste certificate of Other Backward Classes shall be valid for one year, however, in a situation where the applicant has been issued a certificate for not falling in the creamy layer category and if such applicant does not fall within the creamy layer in the subsequent year as well, in that situation, previously issued certificate of falling within the non-creamy layer will be treated as valid after obtaining an attested affidavit from the applicant, which can be done maximum for a period of three years.”*

23. Now, let us delve into the state of affairs that surround the Advertisement and the appointment to Civil Judge Cadre in the state of Rajasthan, especially the 2010 Rules.
24. It is through paragraph 10 in Part-III “General Conditions” of the 2010 Rules that the Other Backward Classes are provided reservation at the time of initial recruitment in the proportion of 21% of the vacancies advertised. However, the same is undoubtedly silent on the specific aspect of the categories and date of the issuance of certificates. Having said that, paragraph 21 of “A-Recruitment to the Cadre of Civil Judge” in Part-IV “Methods of Recruitment” calls for invitation of applications from “eligible candidates”.

25. The Advertisement was issued in pursuance to the 2010 Rules. Before delving any further, let us peruse the bare text of the relevant portion of translated version of the Advertisement:

**“Rajasthan High Court, Jodhpur**

**Advertisement No:- Rajasthan High Court,  
Jodhpur/Examination Cell/ R.J.S./ Civil Judge  
Cadre/2021/780 dated 22/07/2021.**

**Competitive Examination for Direct Recruitment in  
Civil Judge Cadre, 2021.**

1. Online applications are invited by Rajasthan High Court, Jodhpur for direct recruitment on total 120 vacant posts (89 posts of year 2020 and 31 posts of year 2021) of Civil Judge and Judicial Magistrate on probation in Civil judge Cadre in grade pay 27700-770-33090-920-40450-1080-44770 under Rajasthan Judicial Service Rules, 2010 (as amended).

2. to 4  
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**5. Regarding reservation of various categories**

i. Reservation for posts reserved for women (including widow and divorced women) shall be treated as horizontal against category wise vacant posts meaning thereby women of which category (Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ More Backward Classes/ Economically Weaker Sections/ General Category) will be selected, such woman candidate will be adjusted against the concerned category of which she is an applicant.

ii. Reservation for posts reserved for Persons with Disabilities shall be treated as horizontal against total vacant posts meaning thereby persons with disabilities of which category (Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ More

*Backward Classes/ 5 Economically Weaker Sections/ General Category) will be selected, such candidates will be adjusted against the concerned category of which they are applicant.*

*iii. ... In the event of non-availability of eligible and suitable candidates against the posts reserved for Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Most Backward Classes /Economically Weaker Sections/ women (including widow and divorced women) / Persons with Disabilities of Rajasthan, these posts will be filled by the procedure and manner prescribed in Rajasthan Judicial Service Rules, 2010 (as amended).*

*iv. For selection against posts meant for general category, it will be essential for reserved category candidates to be eligible as general category candidates.*

**Note-** *Applicants from creamy layer category of Other Backward Class and More Backward Class of Rajasthan and Scheduled Castes/ Scheduled Tribes/ Other Backward Class (Creamy layer and non-creamy layer)/ More Backward Class (Creamy layer and non-creamy layer)/ Economically Weaker Sections of other states, shall be treated as general category candidates.*

#### **6. Regarding certificates of various categories-**

***i. For reservation as Scheduled Castes/ Scheduled Tribes/ Other Backward Classes and More Backward Class, certificate issued by the Competent authority as per rules in the prescribed format, will have to be furnished.***

*ii. ...*

***iii. In case of Economically Weaker Sections applicants, such candidates will have to furnish the certificate duly issued as per rules of the Competent Authority.***

*iv. ...*

v. For availing benefit of reservation meant for married women candidates of Other Backward Classes and More Backward Classes, such women candidates will have to furnish caste certificate based on the name and address of father issued in the prescribed format as per rules. The certificate based on the basis of name, address and income of the husband shall not be applicable.

vi. ...

**7 to 16. ....**

**17. Time limit to apply:-**

<b>S. No.</b>	<b>Description</b>	<b>Date</b>
<b>1.</b>	<b>Time limit for applying online</b>	<b>From 1:00 pm on 30.07.2021 (Friday) to 5.00 PM on 31.08.2021 (Tuesday)</b>

**18. Important Instructions to Apply:-**

1. Any applicant under which category he is eligible to apply should apply in the same category. The category filled in the application will not be changed under any circumstances on the request of the applicant.

**2. Before applying online application, the applicant must ensure that he/ she meets all the eligibility conditions as per the conditions mentioned in the advertisement and all the information required in the online application form is filled in correctly and fully in the relevant column. The information filled in the online application form will be considered as correct and provisional admission will be given in the examination. Therefore, the applicant himself/herself will be responsible for the information filled in the online application form.**



3. Only the applications filled by the last date of online application will be accepted. In case all the entries are not complete and correct, the application will be rejected by the Rajasthan High Court.

4. No change can be made in the entries once finally entered in the online application, nor will any application in this regard be accepted for consideration.

**19 to 21. ....**

**23. Other Important Instructions:**

1....

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3. **The candidates will be required to produce all the relevant original documents/certificates, on the basis of which they make any claim, if required by the Rajasthan High Court or the concerned appointing authority.**

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to 8.....

9. **Only such applicants, who have successfully deposited the examination fee by applying online till the last date, will be provisionally allowed to appear in the examination by the Rajasthan High Court. Merely issuing the admit card to an applicant to appear in the examination would not mean that his candidature has been finally accepted by the Rajasthan High Court or that the entries made by the applicant in the application form have been treated as correct and true. While checking the eligibility of the applicant from the original documents by the Rajasthan High Court and as per rule, if his/her ineligibility is detected on the ground of non-fulfilment of other essential conditions of eligibility on the basis of age, educational qualification and SC/ST/OBC/More Backward Class/EWS/PH/Women/ Widow/Abandoned (Divorced) etc., his/her candidature for this**

**examination is liable to be cancelled at any stage, the responsibility of which will be that of the applicant himself.”**

(Emphasis supplied)

26. The Advertisement appears to be silent on the aspect of last date of issuance of valid category certificate, however, clause (i) and (iii) of paragraph 06 explicitly provide that the candidates from concerned categories therein were to furnish certificate issued by the competent authority as per rules. Thereafter, a collective reference to clauses 1 and 2 of paragraph 18 attracts our attention as it clarified that candidates should only apply under a said category if they meet all the eligibility conditions as per the Advertisement. Moreover, as per para 23 of the Advertisement, all the candidates, making their individual claims were necessarily required to produce original documents or certificates, as the case may be, to substantiate their claims of eligibility for reservation.
27. On the subject of absence of last date to showcase their eligibility by a candidate apropos their equivalent claim, this Court clarified the correct position of law in its decision in ***Bhupinderpal Singh and Others v. State of Punjab and Others***<sup>11</sup>, where, while upholding the view taken by High Court of Punjab and Haryana, held that the eligibility criteria for candidates aspiring

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<sup>11</sup> (2000) 5 SCC 262

public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged in lieu of the last date of submission of applications before the concerned authority or institute. This, thereby, ensures a clear temporal reference point for evaluating qualifications of a candidate as per the concerned advertisement.

28. This derivation of the position of law was from the decision of this Court in ***Rekha Chaturvedi (Smt) v. University of Rajasthan and Others***<sup>12</sup> wherein the Bench explicitly observed that the proposition of assessing a candidate's qualification with reference to the date of selection, as opposed to the last date of applications is untenable and must be unequivocally dismissed. The indeterminate nature of the date of selection renders it impracticable for applicants to ascertain whether they meet the prescribed qualifications, particularly if such qualifications are yet to be attained. The relevant paragraph is reproduced as follows:

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<sup>12</sup> 1993 Supp (3) SCC 168

*“10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the Selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in A.P. Public Service Commission, Hyderabad v. B. Sarat Chandra [(1990) 2 SCC 669 : 1990 SCC (L&S) 377 : (1990) 4 SLR 235 : (1990) 13 ATC 708] and District Collector & Chairman, Vizianagaram Social Welfare*

*Residential School Society, Vizianagaram v. M. Tripura Sundari Devi* [(1990) 3 SCC 655 : 1990 SCC (L&S) 520 : (1990) 4 SLR 237 : (1990) 14 ATC 766].”

29. This is now well-accepted, licit with clarification, also reiterated in **Ashok Kumar Sonkar (supra)**, and was accepted as recently as in the decision of this Court in **Divya v. Union of India and Others**<sup>13</sup>, while dealing with crystallisation of right of EWS through issuance of Income and Asset Certificate, as issued by the competent authority.
30. Having sailed through the stream of law on the subject matter in question, let us now analyse the factual matrix vis-à-vis the juxtaposition of the claims of the parties before us.
31. *Prima facie*, the arguments rendered on behalf of the Appellants before us, appear to be judicious, if limited scope is the Advertisement. But, clearly, this Advertisement does not exist in a vacuum, nescient of the outside world and the laws of the land. The decisions of this Court, and the guidelines on the category certificates thereof, would invariably impact the scope of its interpretation and execution.
32. The well-read legal minds, as the Appellants before us, cannot certainly, escape from the clutches of the

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<sup>13</sup> (2024) 1 SCC 448

principle laid down through the Latin maxim of *ignorantia juris non excusat*, which translates in literal English to “ignorance of the law is no excuse”. The Advertisement certainly required them to produce a valid certificate to their claim as per rules and instructions, and in the prescribed format.

33. The relevant law, rules and instructions, as reproduced and referred earlier, clearly indicate that a certificate of a claim, as put forth by the Appellants herein, is valid for a period of one year from the date of issuance, and subsequently, extendable up to three years, provided, an affidavit to the said effect is also produced along with the originally issued certificate.
34. Moreover, the decisions of this Court have cleared the air of any doubt that the claim made by a candidate while filling his or her application as per the concerned advertisement are to hold good as on the date of his or her application or as per the last date of submission of applications prescribed by the concerned advertisement.
35. It is true that, the Advertisement, in itself, did not clearly mention the date with regard to issuance of category certificate, and that it came from the Subsequent Notice which ascertained a cut-off date for acceptable certificates.

36. The Subsequent Notice, which was issued by the Rajasthan High Court on 04.08.2022, cannot be said to be arbitrary or without any basis. It specified that the certificate belonging to the concerned reserved category should have been issued prior or upto 31.08.2021 i.e. the last date of receipt of the application in pursuance to the Advertisement. This was because the Advertisement required a candidate to possess eligibility upto the cut-off date. As regards the specifications regarding a certificate issued between 31.08.2018 and 30.08.2020 along with the affidavit is concerned, this was based on the Government Circulars dated 09.09.2015 and 08.08.2019 (reproduced above) which clarified that the certificate issued will be valid for one year extendable by three years with affidavit. Thus, the Subsequent Notice issued was in consonance with law and as per the Advertisement, applicable Rules, instructions and circulars issued by the competent authority. The plea of the appellants is unsustainable and deserves to be rejected. No relaxation can be granted in the given facts and circumstances of the case nor can it be claimed as a matter of right in the absence of any such discretionary clause in the Advertisement/Rules/Instructions.

37. The details of the candidates, category and the date of issuance of their respective certificates are as follows:

<b>S. No.</b>	<b>Name of Appellants and Civil Appeal Numbers</b>	<b>Category</b>	<b>Date of certificate issuance</b>
<b>1.</b>	<b>Sakshi Arha [Civil Appeal No. 3957 of 2023]</b>	OBC-NCL	27.07.2016, 17.06.2022 & 12.08.2022
<b>2.</b>	<b>Priyanka [Civil Appeal No. 3958 of 2023]</b>	OBC-NCL	23.04.2018 & 20.06.2022
<b>3.</b>	<b>Bhavya Kulhar [Civil Appeal No. 3959 of 2023]</b>	OBC-NCL	19.09.2016 & 16.06.2022
<b>4.</b>	<b>Neha Batar [Civil Appeal No. 3960 of 2023]</b>	OBC-NCL	28.06.2018 & 21.06.2022
<b>5.</b>	<b>Nikhil Kataria [Civil Appeal No. 3961 of 2023]</b>	OBC-NCL	16.07.2018 & 09.06.2022
<b>6.</b>	<b>Sunil Singh Gurjar [Civil Appeal No. 3962 of 2023]</b>	MBC-NCL	18.06.2018 & 16.06.2022
<b>7.</b>	<b>Kuldeep Bhatia [Civil Appeal No. 3963 of 2023]</b>	MBC-NCL	03.08.2012 & 09.03.2022
<b>8.</b>	<b>Jyoti Beniwal [Civil Appeal No. 3909 of 2023]</b>	OBC-NCL	22.06.2016 & 25.07.2022



The above details would make it clear that none of the appellants had a valid certificate and/or accompanied by the affidavit as per the proforma at the relevant time as per the requirement referred to above.

38. Significant reliance is placed by the Appellants on the 3-Judge Bench decision of this Court in ***Ram Kumar Gijroya (supra)***. A perusal of the decision rendered by the High Court of Delhi on the factual matrix therein is evidently distinct. The same, thus, cannot come to the rescue of the Appellants. In the instant case, it is not a contention of Appellants that they are missing a valid proof of attainment of their particular qualification or right. No candidate before us has a claim that they, to begin with, already availed and established their eligibility, or had applied for a NCL category certificate and issuance of the same is delayed at the behest of the competent authority. The ratio, therefore, in the relied judgment would not apply.
39. Ergo, the correct position of law is not in favour of the Appellants before us, and, relying on the precedents and the provisions of law governing the circumstances before us, the appeals ought to be declared devoid of merit.
40. Consequently, the Civil Appeals are dismissed, while upholding the decision rendered by the Division Bench

of Rajasthan High Court, impugned before us, as good in law.

41. No costs.

42. Pending applications, if any, are also disposed of.

..... J.  
[ ABHAY S. OKA ]

..... J.  
[ AHSANUDDIN AMANULLAH ]

.....J.  
[ AUGUSTINE GEORGE MASIH ]

**NEW DELHI;  
APRIL 08, 2025**