

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 642 of 2022**

Dr. Nikhat Parween, D/o Md. Abdul Fatah, R/o Shastri Nagar, PO &
PS-Medininagar, District-Palamau Appellant

Versus

1. The State of Jharkhand
2. The Jharkhand Public Service Commission, through its Chairman,
having office at Circular Road, PO-GPO, PS-Lalpur, District-
Ranchi Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellant : Mrs. Darshana Poddar Mishra, Advocate
For the Respondent-State : Mr. Karan Shahdeo, AC to SC-II
For the Respondent-JPSC : Mr. Sanjoy Piprawall, Advocate
Mr. Rakesh Ranjan, Advocate
Mr. Jay Prakash, Advocate
Mr. Prince Kumar, Advocate

Order No. 13

Dated: 12.05.2026

I.A. No. 8646 of 2023

1. The present interlocutory application seeks condonation of delay of 54 days in instituting this appeal.
2. We have perused the averments in the I.A. and we are satisfied that the cause shown is sufficient.
3. Accordingly, the delay is condoned and I.A. is disposed of.

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4. Heard learned counsel for the parties.
5. This appeal challenges the learned Single Judge's order dated 02.08.2022 dismissing petitioner's W.P.(C) No. 3790 of 2018.
6. Mrs. Darshana Poddar Mishra, the learned counsel for the appellant, submits that in this case the appellant had produced a caste certificate in the format issued by the respondent authorities. Based on such caste certificate, the appellant was also invited to attend the interview. She

submitted that if the format in which the caste certificate was issued was not found to be aligning with the format prescribed in Advertisement No. 2/2016, the appellant, should not have been faulted and her candidature rejected on the said ground.

- 7.** Mrs. Darshana Poddar Mishra, learned counsel for the appellant, submitted that the above facts did not obtain in the case of **Dr. Nutan Indwar @ Nutan Indwar Vs. The State of Jharkhand & Ors.** and connected matters i.e., **L.P.A. No. 64 of 2020** and connected matters, which were disposed of by common judgment and order dated 07.05.2026. She submitted that for no fault of the appellant, the candidature of the appellant would not have been rejected or the appellant would not have been denied the benefits of reservation and treated as a general-category candidate.
- 8.** Mr. Sanjoy Piprawall, learned counsel for the J.P.S.C, submitted that there is no error in the view taken by the learned Single Judge in the impugned order. He submitted that such a view aligns with the decision in **Dr Nutan Indwar (supra)** and the decision of the Hon'ble Supreme Court in the case of **Mohit Kumar Vs. State of Uttar Pradesh & Ors., 2025 SCC OnLine SC 1125.**
- 9.** Accordingly, he submitted that the issue raised in this appeal is no longer res integra, and therefore, the appeal may be dismissed.

- 10.** The rival contentions now fall for our determination.
- 11.** In this case, Advertisement No. 2/2016 was issued in January 2016. In terms of the advertisement, the last date for applying was initially 29.02.2016, which was subsequently extended to 15.03.2016. Crucially, the format in which the caste certificate was to be filed was also specified in the advertisement itself.
- 12.** The appellant, admittedly, did not file the caste certificate in the prescribed format. Mrs Darshana Poddar Mishra contended that since the caste certificate was issued by the authorities themselves, the appellant was under the bona fide belief that there was nothing wrong with the caste certificate issued and produced on or before the last date prescribed in the advertisement.
- 13.** According to us, the caste certificate produced by the appellant could not have been regarded as the latest caste certificate, as contemplated in Advertisement No. 2/2016. There is a purpose behind insisting on the latest caste certificate, of which even the format was provided, particularly in the context of candidates claiming reservations to the posts reserved for the backward classes. This is because the issue of the creamy layer is quite relevant when considering the candidatures of such reserved-category candidates.
- 14.** The concept of creamy layer depends upon variable factors and is never static. A candidate who may not have belonged

to the creamy layer a few years ago may belong to this layer just before the last date prescribed for applying. Therefore, there is nothing wrong with insisting on the latest certificate and even providing a form for its submission. This requirement was not even challenged on any ground.

- 15.** Besides, in this case, we do not find any ambiguity in Advertisement No. 2/2016, based upon which some confusion was possible. Therefore, the argument that the petitioner was under the bona fide impression that the old certificate, not in the prescribed format, would suffice cannot be accepted. Based on such an alleged bona fide impression or by vaguely alleging ambiguity, a relaxation or deviation from the advertising terms cannot be insisted upon.
- 16.** In any event, in **Mohit Kumar (supra)**, the Hon'ble Supreme Court has explained that even if there is some ambiguity or confusion, it is for the candidate concerned to immediately apply and seek clarification. Only if such clarification is not issued may the aspirant participate in the process without prejudice to his rights and question the outcome even after the candidate is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based upon 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 a plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term.

- 17.** In **Dr. Nutan Indwar (supra)**, this Bench has considered several precedents on the subject, including in the context of Advertisement No. 2/2016 with which the appellant is concerned.
- 18.** The observations in paragraphs 66 to 72 are relevant and are transcribed below for the convenience of reference:

*"66. In the case of **Mohit Kumar Vs. State of Uttar Pradesh and Others** decided together with **State of Uttar Pradesh and Anr. Vs. Kiran Prajapati** reported in **2025 SCC OnLine SC 1125**, the appellant- Mohit Kumar and the respondent of the another case namely Kiran Prajapati had submitted their OBC (Non Creamy Layer) caste certificates in the formats prescribed for appointments to the central government services and not the one prescribed for the state government services, as mandated by Clause 5.4 of the advertisement. Their Lordships in the said case have held 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. It has further been held that 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.

67. *It has further been held in the said judgment that 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 term means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.

68. *In the case of **Sakshi Arya (supra)**, the fact was that an advertisement inviting applications for appointment to the post of Civil Judge Cadre was published which was silent on the aspect of the last date of issuance of the concerned certificates for each reserved category. The Appellants in all the appeals belonged to different reserved categories and they had successfully cleared their preliminary examination, followed by mains examination, as per the requirements of marks in their respective categories. However, as none of those 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. In the said case, Their Lordships by relying on the judgments rendered in the cases of **Bhupinderpal Singh and Others Vs. State of Punjab and Others** reported in **(2000) 5 SCC 562**, **Rekha Chaturvedi (Smt.) Vs. University of Rajasthan and Others** reported in **1993 Supp (3) SCC 168**, **Ashok Kumar Sonkar Vs. Union of India & Others** reported in **(2007) 4 SCC 54** and **Divya (Supra.)**, have held 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 application prescribed in the concerned advertisement.*

69. *Thus, it is no more res integra that the eligibility of a candidate is required to be judged at the time of filling up of the application form. The candidates are duty bound to carefully go through*

the terms and conditions of the advertisement and strictly comply the same. If any format for obtaining caste certificate and cut-off date for its submission is prescribed in the concerned rule or any advertisement, the same is to be strictly complied with by the candidates. In case of any confusion, the candidates may seek clarification from the authority. Any deviation from the said terms and conditions entitles the authorities to reject the candidature of the candidates.

70. *Even if there is no cut-off date fixed by the rules or advertisement for producing the relevant certificates, a candidate is required to have an eligibility criterion on the last date of submission of application form. The reason behind it is that in case of uncertainty of cut-off date, the candidates who apply for the advertised post will be unable to ascertain whether they are qualified for the post applied for or not. In such a situation, a candidate who does not possess the requisite qualifications in presenti and is likely to acquire them on an uncertain future date, may also apply for the advertised post and thus the number of applications will enormously increase.*

71. *No relaxation can be granted to a candidate if the same is not provided in the rules or advertisement. The candidates cannot claim any relaxation on the ground of mistake or otherwise. If relaxation is granted to one candidate, the others may seek similar relief from the court, which would delay the completion of the appointment process. Moreover, granting such relaxation would cause prejudice to those candidates who did not apply due to their ineligibility.*

72. *A candidate cannot claim reservation mere by the reason that he/she belongs to the reserved category. For claiming reservation, the candidate is bound to submit the caste certificate in the*

prescribed format within the cut-off date.”

- 19.** In addition to our reasoning, the above observations also answer the contentions now raised on behalf of the appellant. Therefore, even after considering the submissions made by Mrs Darshana Poddar Mishra, we are satisfied that there is no error in the impugned judgment and order warranting interference in this appeal.
- 20.** Accordingly, this appeal is liable to be dismissed and is hereby dismissed without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 12, 2026
Manish/Ritesh/AFR

Uploaded on 13.05.2026