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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6638/2025**

MD MU EINUDDIN

.....Petitioner

Through: Mr. Sachin Kumar and
Mr. Shivam Awasthi, Advs.

versus

**UNION PUBLIC SERVICE COMMISSION &
ANR.**

.....Respondents

Through: Mr. Ravinder Agarwal, Mr.
Manish Kumar Singh and Mr. Vasu
Agarwal, Advs. for R-1
Mr. Syed Abdul Haseeb, CGSC for R-2/UOI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **19.05.2025**

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1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner in this case applied for participation in the Central Armed Police Forces (Assistant Commandants) Examination, 2024, held by the Union Public Service Commission for recruitment



to the post of Assistant Commandants in the Central Armed Police Force.

4. The petitioner is a candidate belonging to the Other Backward Classes (OBC).

5. The controversy essentially revolves around the following stipulation, contained in the Advertisement:

“The OBC candidates applying for CAPF (ACs) Exam, 2024 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2023-24, 2022-23 and 2021-22 and issued on/after 01.04.2024 (after completion of FY 2023-24) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2024, i.e. 14.05.2024.”

6. The petitioner’s submission is that, though he is in possession of an OBC certificate issued on 23 February 2024, as well as the certificates of earlier years, nonetheless, during the period within which the OBC certificate was required to be issued as per the afore-extracted stipulation in the advertisement i.e. 1 April 2024 to 14 May 2024, the State of Manipur, from where the petitioner hails, was in a state of insurgency and turmoil and it was not possible to have an OBC certificate issued from the State during that limited period of one and half months.

7. Mr. Ravinder Agarwal, learned Standing Counsel appears for UPSC. He submits that, while the UPSC has acted only on the basis of the stipulation in the advertisement, he would take instructions regarding the contention advanced by learned Counsel for the



petitioner.

8. Accordingly, issue notice to show cause as to why rule *nisi* be not issued.

9. Notice is accepted on behalf of the respondents by Mr. Agarwal, learned Standing Counsel for respondent no. 1. Mr. Syed Abdul Haseeb, learned CGSC who is present in Court, at request of the Court, graciously accepts notice on behalf of the respondent no. 2.

10. Counter-affidavit, if any, be filed within three weeks with an advance copy to learned Counsel for the petitioner who may file rejoinder thereto, if any, within one week thereof.

11. Re-notify on 24 July 2025 in the Supplementary List for disposal.

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12. Issue notice. Notice is accepted as above.

13. Reply, if any, be filed within three weeks with an advance copy to learned Counsel for the petitioner who may file rejoinder thereto, if any, within one week thereof.

14. Given the peculiar facts of this case, and keeping in mind the



*lex non cogit ad impossibilia*¹ principle, we permit the petitioner to participate in further rounds of selection following the aforesaid examination notice 09/2024-CPF dated 24 April 2024, subject to the outcome of this writ petition.

15. We clarify that participation in the examination would not constitute the basis for the petitioner to plead special equities.

16. We, however, permit the petitioner, if it is possible, to obtain an OBC certificate which would cover the aforesaid period i.e. 1 April 2024 to 14 May 2024. In case such a certificate is obtained, it may be placed on record.

17. Re-notify on 24 July 2025.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 19, 2025

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Click here to check corrigendum, if any

¹ The law does not require anyone to do the impossible.