

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

**(1) S. B. Civil Writ Petition No. 2470/2023**

Mahesh Kumar Gurjar S/o Shri Chhote Lal Gurjar, Aged about 23 years, R/o Village Ladiya, Post Paragpura, Tehsil Reni, District Alwar, Rajasthan.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

Connected With

**(2) S. B. Civil Writ Petition No. 2449/2023**

Mukesh Meena S/o Shri Om Prakash Meena, Aged about 25 years, R/o Village Gaizi, Post Parasoli, Tehsil Dudu, District Jaipur.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(3) S. B. Civil Writ Petition No. 2541/2023**

Banwari Lal Jat S/o Shri Badri Lal Jat, Aged about 26 years, R/o Village Khatwad Post Jhag, Tehsil Mozmadabad, District Jaipur.

-----Petitioner

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(4) S. B. Civil Writ Petition No. 2591/2023**

Nandram Jat S/o Shri Raghunath Jat, Aged about 23 years, R/o Village Nolya Post Dudu, Tehsil Dudu, District Jaipur.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(5) S. B. Civil Writ Petition No. 2620/2023**

Bhagchand Gurjar S/o Sri Nanda Ram Gurjar, Aged about 19 years, R/o Aama Ki Dhani, Gaiji Post Padasoli, Tehsil Dudu, District Jaipur.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.

- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(6) S. B. Civil Writ Petition No. 2621/2023**

Rakesh Kumar Jat S/o Shri Vishram Jat, Aged about 20 years,  
R/o Village Madhopura, Post Dantri, Tehsil Dudu, District Jaipur.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(7) S. B. Civil Writ Petition No. 2622/2023**

Sita Ram Jat S/o Shri Dana Ram Jat, Aged about 26 years, R/o  
VPO- Chainpura, Tehsil Phulera, District Jaipur.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(8) S. B. Civil Writ Petition No. 2623/2023**

Deepak Meena S/o Shri Sakram Meena, Aged about 20 years,  
R/o Village Gaizi Post Padasoli, Tehsil Dudu, District Jaipur.

-----Petitioner

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(9) S. B. Civil Writ Petition No. 2624/2023**

Sanvar Mal Kumhar S/o Shri Ganesh Kumhar, Aged about 22 years, R/o Village Itakhol, Post Dhandholi, Tehsil Didi, District Jaipur.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(10) S. B. Civil Writ Petition No. 2667/2023**

Manoj Bamal S/o Shri Chouthu Ram Jat, Aged about 26 years, R/o V/p Tiloniya, Tehsil Kishangarh, District Ajmer.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.

- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(11) S. B. Civil Writ Petition No. 2672/2023**

Dharmraj Choudhary S/o Rameshwar Lal Choudhary, Aged about 23 years, R/o Riyado Ka Mohalla, Lordi, Jaipur.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(12) S. B. Civil Writ Petition No. 2793/2023**

Laxman Choudhary S/o Lala Ram Choudhary, Aged about 23 years, R/o Village Bhagwanpura, Post Sergarh, Tehsil Masuda, District Ajmer.

-----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(13) S. B. Civil Writ Petition No. 2816/2023**

Jitendra Choudhary S/o Harphool Choudhary, Aged about 25 years, R/o Kudiyo Ki Dhani, Badi Ka Kheda Bagru, Tehsil

Sanganer, District Jaipur.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(14) S. B. Civil Writ Petition No. 3334/2023**

Vishram Prajapat S/o Shri Ramesh Prajapat, Aged about 26 years, R/o Near Sarkari School, Mahatgaon, Post Rahlana, Tehsil Dudu, District Jaipur, Rajasthan.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 FTR HQ (special ops), Border Security force, PO : IAF, Yelahanka, Bangalore-560063
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(15) S. B. Civil Writ Petition No. 3335/2023**

Mohit Singh S/o Shri Kiran Pal Singh, Aged about 26 years, R/o Village Rahalana, District Jaipur.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram,

New Delhi-110066.

- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(16) S. B. Civil Writ Petition No. 3336/2023**

Aman Verma S/o Shri Ramesh Chand Verma, Aged about 22 years, R/o Village Chimanpura, Post Bhatton Ki Gali, District Jaipur, Rajasthan.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(17) S. B. Civil Writ Petition No. 3337/2023**

Kishan Lal Choudhary S/o Ramdhan Choudhary, Aged about 21 years, R/o Village Ganeshpura, The. Mouzmabad, District Jaipur, Rajasthan.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(18) S. B. Civil Writ Petition No. 3338/2023**

Narayan Lal Chhaba S/o Shri Kana Ram, Aged about 25 years,  
R/o Village Rampura, Post Buharu, Tehsil Roopangarh, District  
Ajmer.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No.  
12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment  
Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram,  
New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha  
Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(19) S. B. Civil Writ Petition No. 3339/2023**

Omprakash Choudhary S/o Shri Prahalad Choudhary, Aged about  
23 years, R/o Jato Ka Mohalla, Tumbipura, Post Mojamabad,  
Tehsil Dudu, District Jaipur, Rajasthan.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No.  
12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment  
Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram,  
New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha  
Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

----Respondents

**(20) S. B. Civil Writ Petition No. 3340/2023**

Abhishek Jat S/o Shri Banwari Lal Jat, Aged about 22 years, R/o  
Ghauslya Ki Dhani, Jaitpura, Tehsil Chomu, District Jaipur,  
Rajasthan.

----Petitioner

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi -110003.
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Commandant, C.I.S.F. Unit, NTPC, Dadri, Gautam Buddha Nagar, (U.P.)
- 4 Senior Commandant, C.I.S.F., RTC, Bhilai, Chhatisgarh.

-----Respondents

**(21) S. B. Civil Writ Petition No. 3031/2024**

1. Jitendra S/o Shri Mahaveer Meena, Age about 21 years, R/o Village Palri Bhoptan, Post Badhun, Tehsil Rupang Garh, District Ajmer, Rajasthan
- 2 Arjun Singh S/o Shri Raghuveer Singh, Age about 28 years, R/o VOP Harsoli, Tehsil Dudu, District Jaipur (Presently District Dudu), Rajasthan
- 3 Ummed Singh Choudhary S/o Shri Rameshwar Prasad Choudhary, R/o Village Govindpura, Post Khelniya, Tehsil Uniyara District Tonk, Rajasthan
- 4 Kalu Ram Choudhary S/o Shri Mani Ram Choudhry, Age about 25 years, R/o Village Itakhoi, Post Dhandholi, Tehsil Dudu, District Jaipur (Presently District Dudu), Rajasthan

-----Petitioners

Versus

- 1 Staff Selection Commission through Chairman, Block No. 12, CGO Complex, Lodhi Road, New Delhi-110003
- 2 Director General, Directorate General CRPF (Recruitment Branch), East Block-07, Lebel-4, Sector 01, K.R. Puram, New Delhi-110066.
- 3 Inspector General, Narthern Frontier, ITB Police, Ministry of Home Affairs, Government of India, P.O. Seemadwar, Dehradun (Uttrakhand)-248146.
- 4 Deputy Inspector General, RTC Karera, ITBP Force, District Shivpuri (MP) 473662

-----Respondents

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|                 |   |                                                                                                                                                                  |
|-----------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners | : | Mr. Raghu Nandan Sharma Advocate with Ms. Kritika Rajawat Advocate, Mr. Abhinav Srivastava Advocate, Mr. Ayush Bishnoi Advocate & Ms. Manasvita Sharma Advocate. |
| For Respondents | : | Mr. Ashish Kumar Advocate with Mr. Devesh Yadav Advocate.                                                                                                        |

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**HON'BLE MR. JUSTICE ANAND SHARMA**

**Judgment**

|                                                                           |           |                      |
|---------------------------------------------------------------------------|-----------|----------------------|
| <b>Date of conclusion of arguments</b>                                    | <b>::</b> | <b>18.02.2026</b>    |
| <b>Date on which judgment was reserved</b>                                | <b>::</b> | <b>18.02.2026</b>    |
| <b>Whether the full judgment or only the operative part is pronounced</b> | <b>::</b> | <b>Full Judgment</b> |
| <b>Date of pronouncement</b>                                              | <b>::</b> | <b>25.02.2026</b>    |

1. Since the facts, cause of action and question involved in all these writ petitions are similar, therefore, with the consent of the parties, the writ petitions were heard together and are being decided by this common judgment.
2. For the sake of convenience, facts stated in S.B. Civil Writ Petition No. 2470/2023 (Mahesh Kumar Gurjar vs. Staff Selection Commission & Others) are being taken into consideration.
3. Facts, in brief, are that the respondent-Staff Selection Commission issued an advertisement in the 2021 inviting applications for direct recruitment on the posts of Constable (GD) in Central Armed Police Forces (CAPFs), NIA, SSF and Rifleman (GD) in Assam Rifles Examination. As per the advertisement, the vacancies of Constable (GD) were although to be filled on all India basis in SSF and in CAPFs, the vacancies were divided Statewise. As per the advertisement, the candidates were to be considered for recruitment in their respective States/UTs on production of

valid Domicile/Permanent Residential Certificate issued by the competent authority so authorised by the concerned District/UT to prove their domiciliary status at the time of documents verification, failing which the candidature of the concerned candidate was liable to be cancelled.

4. The advertisement also permitted the candidates, who have migrated from one State to another State to apply even from State of migration. However, for claiming reservation, all such candidates belonging to castes of SC/ST or OBC, were required to make an informed choice whether to get benefit of reservation in the State of origin or to appear as unreserved candidates from the State of migration. No request for change of option was permissible and in case, a candidate opts to avail the benefit of reservation from State of origin then, he/she was required to submit information about the District and State of origin as well as the District and State of current domicile in the application form.

5. The application forms were to be filled online and the candidates were required to give correct information, else incorrect information would entail result of cancellation of candidature of the respective candidate.

6. The petitioners in all the writ petitions, originally pertain to different Districts of State of Rajasthan, however, in the application forms, they opted to apply in reserved category from different States other than Rajasthan.

7. As per the petitioners, they all participated in the selection process and secured sufficient marks so as to include their names for basic training. However, during the documents verification, their candidatures were rejected on the ground that

although the petitioners belong to Rajasthan, yet they have been selected for the post of Constable (GD) against the vacancies of other States, but during documents verification, they failed to produce a Domicile/Caste Certificate etc. issued by other State and rather the Domicile/Caste Certificate etc. produced by the petitioners were issued by the authorities of State of Rajasthan. Under these circumstances, the petitioners have filed instant writ petitions. Prayer made in S.B. Civil Writ Petition No. 2470/2023 is being reproduced as under:

*"It is therefore, prayed may kindly call for the record concerning the case and after perusing the same, please accept the writ petition and by way of writ, order, and direction: --*

**(i)** *Quash and set-aside letter/order dt. 02.1.2023, whereby, petitioner was not allowed in further basic training for the post of Constable (GD) in CISF, in pursuance of offer of appointment letter dt. 14.11.2022, even after allow and training of some days.*

**(ii)** *Direct to the respondents, to allow to continue in the basic training for the post of Constable (GD) in CISF with all consequential benefits.*

**(iii)** *Any other relief which Hon'ble Court deemed fit and proper by considering facts and circumstance of the case granted in the favour of the petitioner."*

8. Learned counsel for the petitioners submitted that rejection of candidatures of the petitioners on account of not submitting Domicile/Residential Certificate of other State, from which they submitted their applications, is totally against the scheme of recruitment. It was submitted that the recruitment in question being on all India basis, the candidates were allowed to appear even from their State of migration and were not required to produce Domicile /Residential Certificate of such State of migration, yet in quite and arbitrary manner, despite securing sufficient marks in the recruitment process, the petitioners have been deprived of their legitimate right to get appointment. The

petitioners have also submitted that many other candidates, who although belong to State of Rajasthan and filled their applications from other States, have been permitted to join on the post of Constable (GD) without being required to produce any Domicile/Residential Certificate issued by authorities of such other States. As such, the stand taken by the respondents is quite discriminatory and they have adopted a policy of pick and choose.

9. The respondents have filed reply/additional affidavit so as to counter the writ petitions and submitted that the scheme of recruitment and examination was explicitly clear and in the advertisement itself, it was made clear that although the candidates can also apply from migrated State, yet they were required to produce Domicile/Residential Certificate of such migrated State.

10. Learned counsel for the respondents submitted that although all the petitioners have submitted their application forms from the States other than Rajasthan, showing such other States as the States of migration, yet they have not produced any document whatsoever either before the recruiting agency or in the application form or even with the instant writ petitions to show that such "other State" was their State of migration.

11. Learned counsel for the respondents also submitted that the pleadings in the writ petitions are totally vague, as no statement whatsoever has been made in all the writ petitions that such States (other than Rajasthan) were their States of migration. Not a single document showing the petitioners to be migrated residents of such other States has been produced. Therefore, under such circumstances, the respondents have not committed

any mistake in rejecting candidature of the petitioners and not allowing them to join. Learned counsel submits that any order earlier issued for permitting the petitioners to join for basic training was provisional in nature subject to satisfying other prescribed eligibility conditions. Therefore, merely on receiving such provisional letter for training would not create any vested right in favour of the petitioners. The petitioners cannot claim appointments and joining pursuant to such provisional letter as a matter of right.

12. As regards contention of learned counsel for the petitioners that so many other candidates, who although belong to State of Rajasthan and applied from other States, have been allowed to join in different CAPFs without producing any Domicile /Caste Certificate of the other States, it has been submitted by learned counsel for the respondents that such appointment orders clearly contain a condition that the appointments were provisional and subject to status of domicile or Domicile Certificate being verified. Condition No. 2(xiv) of the provisional appointment letters further make it clear that in case during verification, it is revealed that the claim of belonging to other State, against whose vacancy selection has been made is found to be false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code. Thus, it has been submitted that in case any of the candidate as pointed out by the petitioners, who has been appointed despite not possessing requisite Domicile Certificate, and on enquiry, if such allegations are found true, then, necessary

legal action as per Condition No. 2(xiv) of the provisional appointment letters shall be taken. Learned counsel for the respondents submitted that the petitioners have attempted to get appointment without even possessing the Domicile Certificate of other State. By way of filing instant writ petitions, the petitioners are trying for validating their irregular act. Therefore, learned counsel for the respondents prayed that writ petitions may be dismissed.

13. I have heard learned counsel for the parties and carefully examined the material on record.

14. As the controversy involved in the instant writ petitions revolves around different conditions of the advertisement (Annexure-1 of S.B. Civil Writ Petition No. 2470/2023), it would be relevant to reproduce following conditions contained therein:

*"1.6 Vacancies of Constable (GD) in SSF will be filled on All India basis whereas vacancies in all other CAPFs will be filled as per the vacancies available in various States/ UTs. In addition, vacancies are earmarked for the Border Guarding Districts and Militancy/ Naxal affected Districts which are reserved for the candidates of these districts only.*

*3.3 As the vacancies in CAPFs have been earmarked States/ UT-wise, candidates are required to submit Domicile/ Permanent Residential Certificate of the State/ UT indicated by them in the online Application Form at the time of DME/ Documents Verification failing which his/her candidature will be cancelled forthwith and the candidate will not be allowed to appear in the Detailed Medical Examination. If a candidate produces Domicile/ Permanent Resident Certificate (PRC) issued by a State other than the State mentioned in his/her application, he/ she shall not be allowed to change the State at the time of Document Verification and his/her candidature shall be cancelled straightaway. Therefore Candidates should fill the Application Form very carefully.*

**4 Nationality/ Citizenship:** *Candidate must be a citizen of India. Vacancies are state/ UT wise hence a candidate must submit domicile/ PRC against his state/UT.*

*6.1 Candidates who wish to be considered against vacancies reserved/ or seek age-relaxation are required to submit requisite certificate from the competent authority, in the prescribed format, when such certificates are sought by concerned CAPFs for document verification at the time*

of DME. Otherwise, their claim for SC/ST/OBC/ EWS category will not be entertained and their candidature/ applications will be considered under Un-reserved (UR) category. Further, if a candidate has sought any other age-relaxation or claimed ESM status and is not able to produce the relevant certificate, he will be considered in his respective category i.e. SC/ST/OBC/EWS/ UR. The formats of the certificates are annexed with the Notice of Examination.

**6.2 A candidate belonging to a caste of SC, ST or OBC category, on migration from one State to another State will have to make an informed choice whether to get the benefit of reservation in the State of origin or to appear as unreserved candidate from the State of migration. Such choice will have to be exercised by the candidate in the online Application Form. No request for change of such option, after the submission of Application Form, will be entertained by the Commission. In case, a candidate opts to avail the benefit of reservation from the State of origin, he will have to submit information about the District and State of his origin as well as the District and State of his current domicile in the Application Form and his candidature will be considered from the State of origin. Such candidates will not be required to submit Domicile Certificate from the State of origin.**

6.5 Candidates may also note that in respect of the above, their candidature will remain provisional till the veracity of the concerned document is verified by the Appointing Authority. Candidates are cautioned that they will be debarred from the examinations conducted by the Commission in case they fraudulently claim SC/ST/OBC/ EWS/ ESM status or avail any other benefit.

6.6 Candidates will be considered for recruitment in their respective State/UT on production of valid "Domicile/ Permanent Residential Certificate (PRC)" issued by the competent authority so authorized by the concerned State/UT to prove their domiciliary status at the time of Documents Verification (DV) failing which his candidature will be cancelled forthwith. The Domicile/ PRC certificate must be of the State/ UT indicated by the candidates in their online Application Form, failing which, their candidature will be cancelled forthwith.

6.7 Since the State of Assam is not issuing Domicile Certificate/ Permanent Residence Certificate, candidates belonging to the state of Assam are not required to submit the same. However, their selection will be subject to verification of residential status from the concerned District Authorities.

13.13 Candidates will be considered for the vacancies of a State/ UT and further for the vacancies of Border Guarding Districts, Militancy/ Naxal affected Districts based on the information provided by them in the online Application Form and subsequent submission of relevant Domicile Certificate at the time of DME/ Document Verification. **CANDIDATES SHOULD BE VERY CAREFUL AND MUST EXERCISE DUE DILIGENCE WHILE PROVIDING INFORMATION ABOUT DOMICILE STATE AND**

**DISTRICT IN THE ONLINE APPLICATION FORM. NO REQUEST FOR CHANGE OF DOMICILE STATE AND DISTRICT WILL BE ENTERTAINED BY THE COMMISSION AFTER SUBMISSION OF APPLICATION FORM UNDER ANY CIRCUMSTANCES. IF THERE IS ANY VARIATION OF DISTRICT AND/OR STATE MENTIONED BY THE CANDIDATE IN THE ONLINE APPLICATION FORM AND THE DOMICILE CERTIFICATE SUBMITTED BY THEM AT THE TIME OF DME/ DOCUMENT VERIFICATION, THEIR CANDIDATURE WILL BE CANCELLED FORTHWITH AND THEY WILL NOT BE ALLOWED TO PARTICIPATE IN THE DETAILED MEDICAL EXAMINATION.**

**19 Important instructions to candidates:**

**5 A candidate belonging to a caste of SC, ST or OBC category, on migration from one State to another State will have to make an informed choice whether to get the benefit of reservation in the State of origin or to appear as unreserved candidate from the State of Migration. Such choice will have to be exercised by the candidate in the online Application Form. No request for change of such option, after the submission of Application Form, will be entertained by the Commission. In case, a candidate opt to avail the benefit of reservation from the State of origin, he will have to submit information about the District and State of current domicile as well as the District and State of his origin in the Application Form. His candidature in such cases will be considered from the State of origin.**

**11 CANDIDATES MUST BE VERY CAREFUL AND SHOULD EXERCISE DUE DILIGENCE WHILE PROVIDING INFORMATION ABOUT DOMICILE STATE AND DISTRICT IN THE ONLINE APPLICATION FORM. NO REQUEST FOR CHANGE OF DOMICILE STATE AND DISTRICT WILL BE ENTERTAINED BY THE COMMISSION AFTER SUBMISSION OF APPLICATION FORM UNDER ANY CIRCUMSTANCES. IF THERE IS ANY VARIATION OF DISTRICT AND/OR STATE MENTIONED BY THE CANDIDATE IN THE ONLINE APPLICATION FORM AND THE DOMICILE CERTIFICATE SUBMITTED BY THEM AT THE TIME OF DME, THEIR CANDIDATURE WILL BE CANCELLED FORTHWITH AND THEY WILL NOT BE ALLOWED TO PARTICIPATE IN THE DME."**

15. In addition to above, it would also be relevant to reproduce relevant paras of application form filled by petitioner Mahesh Kumar Gurjar and annexed with S.B. Civil Writ Petition No. 2470/2023 as under:

| 17 PREFERENCE OF EXAMINATION CENTERS     |                                           |                                          |
|------------------------------------------|-------------------------------------------|------------------------------------------|
| EXAMINATION CENTER<br>(FIRST PREFERENCE) | EXAMINATION CENTER<br>(SECOND PREFERENCE) | EXAMINATION CENTER<br>(THIRD PREFERENCE) |
| JAIPUR (2405)                            | ALWAR (2402)                              | KOTA (2407)                              |

|                                                                             |                                                                                                  |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 18 STATE/UT OF DOMICILE                                                     | 19 DISTRICT OF DOMICILE                                                                          |
| RAJASTHAN                                                                   | ALWAR                                                                                            |
| 20.1 HAVE YOU MIGRATED FROM THE STATE/UT OF YOUR ORIGIN TO ANOTHER STATE/UT | 20.2 WHETHER YOU WOULD LIKE TO AVAIL THE BENEFIT OF RESERVATION FROM THE STATE/UT OF YOUR ORIGIN |
| YES                                                                         | YES                                                                                              |
| 20.3 STATE/UT OF ORIGIN                                                     | 20.4 DISTRICT OF ORIGIN                                                                          |
| TAMIL NADU                                                                  | CHENNAI                                                                                          |
| 21 CANDIDATE BELONGS TO MILITANCY/ NAXAL AFFECTED DISTRICT                  | 22 CANDIDATE BELONGS TO BORDER DISTRICT                                                          |
| NO                                                                          | NO                                                                                               |

16. Thus, it is quite clear that although the respondent-Union of India through Staff Selection Commission intended to fill up the posts while initiating recruitment process on all India basis, yet in order to rationalise the recruitment, the vacancies were required to be filled by Statewise.

17. In the advertisement itself, it was made clear that a candidate can apply from his/her State of origin or from State of migration, yet while submitting said option, the candidate was required to produce Domicile Certificate of respective State.

18. This Court examined the pleadings of the writ petitions and has not found that in any of the writ petition, the petitioner, although applied from a State other than Rajasthan, despite originally belonging to State of Rajasthan (State of origin), yet not a single fact has been pleaded to support the stand that the other State (such as State of Tamil Nadu, Assam etc.) was his/her State of migration. The term, "State of migration", obviously here refers to a State which although is not the State of origin of the respective candidate, but on account of certain reasons, the candidate has migrated to another State. In order to show such migration, the candidate was required to produce at least some document such as Certificate of Permanent Residence, Domicile

Certificate, Caste Certificate or any other similar document. However, neither there are pleadings to this effect, nor are there any documents on record of any of the writ petition to support such claim.

19. Under such circumstances, where Conditions No. 3.3, 6.2 and 6.6 of the advertisement are quite clear that the candidates were although permitted to apply by opting for any other State, other than State of origin, yet they were bound to produce Domicile/Caste Certificate or any other certificate so as to support their claim for recruitment against the vacancies of such other State. The scheme of recruitment revealed in the advertisement would also make it clear that it was not open for the candidates to apply against the vacancies of any State of their choice. They could have applied only for the vacancies of their State of origin or State of migration and such application should be supported by valid documents in support of their claim. Admittedly, none of the petitioners in the writ petitions have produced or indicated any document to prove that the State from which they have applied was their State of migration.

20. Condition No. 13.13 and sub-clause 11 of Condition No. 19 of the advertisement are also clear that the candidates should be very careful and must exercise due diligence while providing information about domicile State and District in the application form and any variation from the information, if found during documents verification, would entail cancellation of their candidature. Under these circumstances, it is clear that the respondents have not committed any irregularity or illegality in

rejecting candidature of the petitioners and not to continue their basic training.

21. It is also settled proposition of law that mere issuance of provisional appointment letter containing specific condition that the provisional appointment is subject to verification of documents, would not create any vested right in favour of such provisional appointee and under such circumstances, where despite having provisional appointment, the candidate fails to submit documents in support of his/her application form, then such provisional appointment is bound to be cancelled.

22. So far as contention of the petitioners that so many candidates, whose names have been indicated by the petitioners in the memos of writ petitions as well as in additional affidavits, and who also belong to State of Rajasthan, which is their State of origin, yet they applied from any other State without placing any document on record to show that such other State was their State of migration, is concerned, in considered opinion of this Court, the petitioners are not going to be benefitted from such argument. It is settled proposition of law that equality and parity is a positive concept. There is no concept of negative equality and provisions of Article 14 of the Constitution of India cannot be invoked to raise a plea of discrimination by citing an example of illegality taken place to extend benefits to others. In the case of **Chandigarh Administration & Another vs. Jagjit Singh & Another, (1995) 1 SCC 745**, the Hon'ble Supreme Court has held that a wrong decision in favour of one person would not create vested right in favour of others. Even otherwise, merely if an illegality has been committed in favour of others, illegal benefit in favour of

petitioners also even by way of court's order would amount to perpetuating illegality already committed. No such writ or direction can be issued so as to perpetuate the illegality, which would otherwise ruin the entire recruitment scheme and fundamental structure of the recruitment process. Hence, the plea of discrimination raised by the petitioners is totally baseless and unfounded.

23. In view of above discussion, this Court does not find any merit and substance in the instant writ petitions and the same are, hereby, dismissed.

24. However, mere dismissal of these writ petitions would not absolve the respondents from their basic responsibility to maintain parity. As undertaken by learned counsel for the respondents on instructions, the respondents will conduct a fact finding enquiry so as to examine the allegations made by the petitioners that the candidates, who do not possess requisite Domicile /Caste Certificate of alleged State of migration, have been allowed to join and are still continuing in the service. In case, such facts are prima facie found to be correct, then under such circumstances, where such appointees are not parties to the present writ petitions, the respondents shall afford opportunity of hearing to them by way of issuing show cause notice along with all the details and thereafter, orders in accordance with law shall be passed by the respondents. The said exercise shall be completed by the respondents within a period of three months from today and compliance report thereof shall be filed before this Court.

25. Office is directed to post these matters before this Court in the second week of July, 2026 to see the compliance of the aforesaid directions issued by this Court.

26. Pending applications, if any, stand disposed of.

27. Office is also directed to place a copy of this judgment on record of each connected writ petition.

(ANAND SHARMA),J

MANOJ NARWANI /