



2026:AHC:56833

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2052 of 2026

Km Ritu Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajai Kumar Srivastava, Juhi Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 39

Sl. No. 10

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Shri Ajai Kumar Srivastava, learned counsel for the petitioner and Ms. Archana Tyagi, learned Addl. Chief Standing Counsel for the State respondents.

2. The instant petition has been filed seeking quashing of the document verification dated 29th January 2026, whereby the petitioner was declared unfit being appointed on the post of Computer Operator Grade A 2023 in U.P. Police. Subsequently, by amendment to the petition, he has prayed for quashing of the final result of UP Police Computer Operator Grade A Direct Recruitment 2023 in so far as it relates to the petitioner.

3. Briefly stated facts of the case are the respondents have issued an advertisement for the selection on the post of Computer Operator Grade A in UP Police Department through direct recruitment on 29th December 2023. The aforesaid advertisement in order to oust the candidate belonging to the creamy layer has prescribed the specific condition that the persons who are claiming the benefit under the OBC category they must produce their cast certificate issued between 1st April 2023 till the last date of the application, that is 30th January 2024. The petitioner herein had applied for the said post, and alongwith the application has annexed cast certificate issued on 1.6.2021 which was not within the prescribed period and was issued before the prescribed period. The petitioner has qualified in the written examination as well as the computer

test. However, at the time of document verification, when it was found that the cast certificate submitted by the petitioner was not issued within the prescribed period and was issued prior to it, the petitioner was declared unfit. Being aggrieved by the action of the respondent declaring her to be unfit, the instant petition has been filed by her. Subsequently, selection process was completed and the final result was declared on 7th February 2026. Thereupon the petitioner has amended the writ petition and has relied upon the caste certificate dated 28/8/2025, which was not the part of the application. Thus the petitioner claims that still she is belonging to the OBC category, therefore the respondents are required to consider the claim of the petitioner under the OBC category. In support of this submission, learned counsel for the petitioner has relied upon the judgment of the Apex Court in **Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754** and submits that in that case the candidate has failed to submit the OBC certificate before the last date of submission of the application and subsequently the same was tendered, on the basis of which the direction was issued by learned single judge of the High Court to consider the claim of such candidate. The said order was reversed by the Division Bench in letters patent appeal. On further appeal being preferred to the Supreme Court, the Supreme Court has upheld the order passed by the learned single judge. Thus learned counsel for the petitioner submits that similar direction be also issued in favor of the petitioner.

4. Per contra, learned Addl. Chief Standing Counsel for the State respondents relied upon the relevant provisions of the advertisement in the instant case, which read as under :

" (5) उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जन जातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम-1994 (समय-समय पर यथा संशोधित) की अनुसूची-दो के अनुसार कीमीलेयर के अन्तर्गत आने वाले उत्तर प्रदेश के अन्य पिछड़े वर्ग के अभ्यर्थियों को आरक्षण का लाभ अनुमन्य नहीं अन्य पिछड़े वर्ग के लिए जाति प्रमाण-पत्र (प्रारूप-2) 01 अप्रैल, 2023 या उसके बाद का किन्तु इस भर्ती हेतु निर्धारित आवेदन करने की अन्तिम तिथि तक का निर्गत होना चाहिए।"

5. Learned Addl. Chief Standing Counsel for the State respondents has also relied upon Clause 6.3 of the advertisement with regard to the last

date of the application in the instant case. Thus learned Addl. Chief Standing Counsel submits that the persons belonging to the OBC category who are in the creamy layer are not entitled for the benefit under the OBC category with intent to oust such candidates who had attained the creamy layer and the period within which the cast certificate of OBC category is to be issued that has been prescribed in the advertisement itself. Admittedly the petitioner has not submitted the cast certificate issued within the said period. The cast certificate issued previously, which has been annexed by the petitioner alongwith the application form cannot be considered for the reason that the creamy layer of the petitioner could not be ascertained. In such circumstances the claim of the petitioner was considered under the general category and since the petitioner was age barred under the general category, she was declared unfit. Therefore, learned Addl. C.S.C. submits that there is no illegality in the procedure adopted by the respondents. Therefore, she seeks dismissal of the instant petitioner. Clause 6(3) and (4) read as under:

"6.(3)-इसके बाद अभ्यर्थी को आवेदन शुल्क का भुगतान ऑनलाइन- डेबिट कार्ड/क्रेडिट कार्ड/इण्टरनेट बैंकिंग/यूपीआई के माध्यम से करना होगा।

(4) हेल्पलाइन आवेदन पत्र भरने में आ रही किसी भी समस्या के निराकरण हेतु हेल्पलाइन नंबर 044-47749010 जारी किया जा रहा है, जो आवेदन करने की अन्तिम तिथि 30-01-2024 तक क्रियाशील रहेगा।"

6. Having considered the rival submission of the learned counsel for the parties this Court has carefully gone through the record of the case. It is settled position of law from the judgements of the Apex Court in the case of *Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217, as well as Valsamma Paul v. Cochin University, (1996) 3 SCC 545* that OBC candidate belonging to the creamy layer are not entitled for the benefit under the OBC category and with intent to oust such candidate in the advertisement specifically a provision has been made with regard to the cast certificate of OBC category to be issued within a particular period, just before the advertisement and till the last date of submission of the application. Admittedly the petitioner has failed to provide that cast certificate issued within the prescribed period rather she has provided a certificate of OBC category which was issued in the year 2021. In such

circumstances respondents have rightly did not take into consideration the said certificate in the case of the petitioner while verifying the documents and thus she was rightly declared unfit being age barred under the general category. It is admitted position that subsequent OBC certificate which has been annexed alongwith the writ petition has never been produced during the selection process before the respondents. Judgment relied upon by the learned counsel for the petitioner would not apply in the instant case, as the said cast certificate which has been subsequently issued has never been tendered by the petitioner prior to the declaration of result to the respondents.

7. In such view of the matter, this court do not find any illegality in the action on the part of the respondents while declaring the petitioner unfit.

8. The instant petition has no merit and the same is accordingly **dismissed.**

(Anish Kumar Gupta,J.)

March 19, 2026

o.k.