



2025:DHC:11194-DB



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 12.11.2025

Pronounced on: 12.12.2025

+ W.P.(C) 12698/2023 & CM APPL. 50157/2023

NISHA KHAN

.....Petitioner

Through: Mr. G. S. Chaturvedi, Adv.

versus

DELHI POLICE & ANR.

.....Respondents

Through: Mr. Rajesh Kumar, SPC along
with Mr. Yash Narain, Adv. for
UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN J.

1. This petition has been filed by the petitioner, challenging the Order dated 14.07.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 2092/2021, titled as **Nisha Khan v. Delhi Police & Anr.**, whereby the learned Tribunal dismissed the above mentioned O.A. and held as under:

*"6. We are of the considered view that the issue raised in the instant OA is no more res integra in view of the decision of a Coordinate Bench of this Tribunal in **Pooja Devi v. SSC & Ors.**, decided on 20.02.2023 (where both of us Hon'ble Mr. Anand Mathur, Member (A) and Hon'ble Mr. Manish Garg, Member (J) were members). The relevant part of the said order reads as follows:*

"4. The sole issue to be adjudicated by



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this Tribunal is whether the applicant, who has filled "No" against Column No.16 pertaining to ward of police personnel at the time of filling up online Application Form, can be allowed relaxation in height.

4.1 It is true that the Examination Notice and Recruitment Rules provide for relaxation in height to the wards of police personnel only if an aspiring candidate mentions about the same in the column meant for the same. It is also noticed that the applicant had filled "No" in Column No. 16 while submitting her online application form. It is not disputed that the applicant requested for correction in the aforesaid column when her height was measured less than the requisite height, which is not permissible at a later stage as it was clearly stipulated in the Examination Notice that no change/correction/modification would be allowed under any circumstances even if the request is received in any form like post, fax, email, by hand etc. after submission of online application form. It is the duty of candidates to fill the online application form with eyes wide open and before submitting the online application to recheck and make necessary corrections on the computer then and there. But the applicant has failed to do so. Had she been vigilant enough in filling up the online application form, this type of error would not have occurred. Once she herself has failed to mention that she was the ward of a deceased police personnel, she cannot be permitted to have relaxation in height to be eligible for offer of appointment.

4.2 Having gone through the decisions relied upon by the learned counsel for the applicant, we find such decisions are



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not relevant being distinguishable from the facts of the instant OA.

5. In conspectus of the facts and circumstances of the case, we are of the considered opinion that the applicant cannot be allowed any relief for the error committed by her. It was she who was required to give correct details while filling up online Application Form. Had she done so, the respondents would have granted the required relaxation in height to her. Hence, we find that the instant OA is devoid of merit.

5.1 In view of the above discussion, the instant OA is dismissed."

*7. Having regard to the directions of this Tribunal in the aforesaid case, we are of the considered view that the issue raised in the instant GAs is squarely covered by the decision of **Pooja Devi** (supra). Hence, for parity of reasons, both these OAs are liable to be dismissed, being devoid of merit. Accordingly, both the OAs are dismissed."*

FACTS OF THE CASE

2. The facts giving rise to the present petition are that respondent no.2/ Staff Selection Commission invited online applications for recruitment to the post of Constable (Executive) Male/ Female in Delhi Police on 01.08.2020. The last date and time for submission of online applications was 07.09.2020 (23:30hrs). The petitioner filled the online application form for recruitment to the said post on 06.09.2020. It is the case of the petitioner that she had filled the recruitment form through a cyber café and that at the time of filling up of the application form there was some network problem. As a result, she mistakenly and inadvertently mentioned 'Yes' under



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column No.15 instead of 'No' and similarly 'No' instead of 'Yes' under column No.16. The relevant columns were:

"15. WHETHER DEPARTMENTAL
CANDIDATE OF DELHI POLICE-YES
16. WHETHER SON/DAUGHTER OF
SERVING/RETIRED OR DECEASED
PERSONNEL MULTI-TASKING STAFF OF
DELHI POLICE - NO."

3. The petitioner appeared for Physical Endurance and Measurement Test (PEMT) on 26.07.2021, after qualifying the written examination on the basis of an E-admission Certificate for Roll No.2201393102. She produced her original documents, including a certificate dated 16.06.2021 issued by the employer of her father, who has been working as Assistant Sub Inspector (ASI), PCR Unit, Delhi Police since 20.12.1988. The petitioner filled an application form by hand at the time of PEMT, annexing therewith the original certificate of employment of her father, including other certificates like OBC certificate, qualification certificates and copy of I-Card of her father. All these documents were uploaded by respondent no.2 in its record. Biometric of the petitioner was also done.

4. During the PEMT, the petitioner qualified the race, long jump and high jump events. At the time of her height measurement, she was measured as 154.5 cm (approx. 156 cm), and was duly declared qualified by giving relaxation in height (actual requirement being 157 cm), being ward of police personnel, on the basis of the original certificate of employment submitted by her. However, on the same



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day she was informed by the officials of the respondents that she had filled column Nos.15 and 16 in her application form incorrectly, a fact that came to light during the feeding of data on the web-tool app provided by the respondent no.2. She submitted a representation on the same day as the PEMT itself, however, she did not receive any response thereto. Thereafter, she sent another representation to higher officials of respondent no.1 on 22.08.2021. On receipt of the said representation, the respondents passed the order dated 23.08.2021, thereby declaring the petitioner as disqualified in height, treating her as ineligible for relaxation. She sent a further representation *via* email dated 03.09.2021, which remained unanswered.

5. The petitioner, thereafter, filed aforesaid O.A. before the learned Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking correction of clerical errors and consideration of her candidature as eligible for relaxation as a ward of a Delhi Police employee.

6. The learned Tribunal dismissed the O.A *vide* the Impugned Order, holding that the matter was squarely covered by a Judgment of the Tribunal in O.A. No. 2416/2021 ***Pooja Devi v. Staff Selection Commission through Chairman & Ors.***, decided on 20.02.2023.

7. Aggrieved by the said Impugned Order, the present petition has been preferred.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER



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8. The learned counsel for the petitioner submits that the error was *bona fide* and clerical, which is minor in nature, while filling the online application form.

9. He further submits that the petitioner does not possess a personal computer and had to depend upon the cyber café for submission of her online form. He submits that since the petitioner is not proficient with computers, she had to rely on assistance of the cyber café personnel, which resulted in the error in Column Nos.15 and 16 of the application form. He further submits that this *bona fide* error occurred due to heavy load on the website of respondent no.2.

10. The learned counsel for the petitioner further submits that the Column No. 15 is in itself redundant as there cannot be departmental candidates for the lowermost post of Constable.

11. He further submits that the petitioner had produced all the supporting documents, including her father's employment certificate, at the PEMT, and was initially declared as qualified in all parameters, including her height, after giving the relaxation that was awarded to wards of police personnel.

12. The learned counsel for the petitioner further places reliance on the Judgment of the Supreme Court in ***Vashist Narayan Kumar v. The State of Bihar & Ors.***, (2024) 11 SCC 785, to submit that the law does not concern itself with trifles and that in cases where the error committed by the appellant therein is trivial in nature, the State should not penalize the appellant by cancelling their candidature. Reliance to this effect is also placed on the Judgment of this Court in



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Ajay Kumar Mishra v. Union of India & Ors., 2016:DHC:8189-DB, which was upheld by the Supreme Court *vide* its Order dated 13.02.2017 in Special Leave to Appeal (C) No. 3673/2017 titled ***Union Public Service Commission and Ors. v. Ajay Kumar Mishra & Ors.***

13. He submits that this Court in its Judgment dated 08.09.2016 passed in W.P.(C)No. 6568/2016, titled ***Amarnath Maurya v. Staff Selection Commission***, has in fact granted relief to a similarly situated candidate. He highlights that the challenge thereto before the Supreme Court was dismissed as withdrawn.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENTS

14. The learned counsel for the respondents submits that the candidates were advised in their own interest to submit online applications much before the closing date and not to wait till the last date to avoid possibility of disconnection/inability or failure to log in to the SSC website on account of heavy load on the website.

15. He further submits that it was advised that before submission of the online application, candidates must check that they had filled correct details in each field of the form. After submission of the online application form, no change/correction/modification would be allowed under any circumstances and the requests received in this regard would not be entertained. He submits that paragraph 20(1) of the advertisement reads as under:

"Before applying, candidates are advised to go



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through the instructions given in the Notice of Examination very carefully."

16. The learned counsel for the respondents further submits that the candidates were warned at paragraph 20 (8), the same reads as under:

"Request for change/correction in any particulars in the Application Form, once submitted will not be entertained under any circumstances. Such requests received through Post/Fax/Email/By hand etc. shall not be entertained."

17. He further submits that instructions were given to the candidates, at Annexure-II, S.No.18 of the Notice of Examination, which reads as under:

"Preview and verify the information provided by you. If you want to modify any entry, click on 'Edit/Modify' button and make requisite corrections before proceeding further. When you are satisfied that the information is correctly filled, preview and verify the information and submit the Application. You will not be able to make any correction in the online application after submission of the application".

18. The learned counsel for the respondents submits that the petitioner, on the basis of her performance in Computer Based Examination, was called for the PEMT and she had successfully qualified the same. Thereafter, she appeared for verification of her documents, wherein she produced police ward certificate to avail the benefit of relaxation in height under the category of police ward, as



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her height was measured as 154.5cms. However, her online data showed that while filling the online application form for the examination she had filled 'No' in column no.16. As a result, the benefit of relaxation in height was not given to her and she was disqualified in PEMT.

19. The learned counsel for the respondents further submits that prior to the scrutiny of documents during document verification, the respondent no.2 processes applications of the candidates appearing in various examinations on the basis of particulars filled by them in their respective online application forms. Therefore, the candidates are duly advised to go through the notice of the said examination and read the instructions carefully before filling the application form. Hence, the onus of filling correct particulars in the application form is on the candidate himself/herself and respondent no.2 cannot be held responsible for any wrong/incorrect particulars filled by the candidate in the application form.

20. He further submits that no change in the particulars of the application form is allowed at any subsequent stage of the examination. If this is done, it will open up a Pandora's box of such cases and will hamper the smooth functioning of SSC, which is a premier recruiting agency of Government of India and caters to more than 1.75 crore of candidates every year. Since there is no provision in the notice of examination for changing any particular information filled by the candidates in the application form, the petitioner's request for changing her status as 'Police Ward' as well as her father's



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name in the application form cannot be accepted.

21. He places reliance on the Judgment of the Supreme Court in ***Maharashtra Public Service Commission v. Sandeep Shriram Warade & Ors.***, 2019 (6) SCC 362, wherein it was held:

"If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same."

22. The learned counsel for the respondents submits that in light of the above proposition of law being clear, the claim of the petitioner is not tenable.

ANALYSIS AND FINDINGS

23. We have considered the submissions made by the learned counsels for the parties.

24. The issue that arises for consideration is whether the petitioner is entitled to correction of clerical errors in the online application form regarding her eligibility for relaxation in physical standards at a stage subsequent to qualifying the written examination and PEMT, on the ground of *bona fide* mistake.

25. Upon perusal of the record, it is clear that the petitioner mistakenly and inadvertently mentioned 'Yes' under column No.15



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instead of 'No', and similarly 'No' instead of 'Yes' under column No.16, and that she produced all the documents. Other original certificates of the petitioner were duly verified for PEMT and copies thereof were retained by the respondents. The respondents passed the order dated 23.08.2021, thereby declaring the petitioner as disqualified in height for the post of Constable (Executive) Female in Delhi Police Examination, 2020.

26. The O.A. filed by the petitioner thereagainst was rejected by the learned Tribunal in its Impugned Order on grounds of parity by placing reliance on its Judgment in **Pooja Devi** (supra) wherein in an almost identical scenario pertaining to the same recruitment process, the learned Tribunal had opined as under:

“4. The sole issue to be adjudicated by this Tribunal is whether the applicant, who has filled "No" against Column No. 16 pertaining to ward of police personnel at the time of filling up online Application Form, can be allowed relaxation in height.

4.1. It is true that the Examination Notice and Recruitment Rules provide for relaxation in height to the wards of police personnel only if an aspiring candidate mentions about the same in the column meant for the same. It is also noticed that the applicant had filled "No" in Column No. 16 while submitting her online application form. It is not disputed that the applicant requested for correction in the aforesaid column when her height was measured less than the requisite height, which is not permissible at a later stage as it was clearly stipulated in the Examination Notice that no change/correction/modification would be allowed under any circumstances even if the request is received in any form like post,



fax, email, by hand etc. after submission of online application form. It is the duty of candidates to fill the online application form with eyes wide open and before submitting the online application to recheck and make necessary corrections on the computer then and there. But the applicant has failed to do so. Had she been vigilant enough in filling up the online application form, this type of error would not have occurred. Once she herself has failed to mention that she was the ward of a deceased police personnel, she cannot be permitted to have relaxation in height to be eligible for offer of appointment.

4.2. Having gone through the decisions relied upon by the learned counsel for the applicant, we find such decisions are not relevant being distinguishable from the facts of the instant OA.

5. In conspectus of the facts and circumstances of the case, we are of the considered opinion that the applicant cannot be allowed any relief for the error committed by her. It was she who was required to give correct details while filling up online Application Form. Had she done so, the respondents would have granted the required relaxation in height to her. Hence, we find that the instant OA is devoid of merit.”

27. It is a well settled principle that if the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same. Reliance to this effect can be placed on the Judgment of the Supreme Court in **Sandeep Shriram Warade** (supra).

28. This principle has again been reiterated by the Supreme Court in its recent Judgment in **Mohit Kumar v. State of Uttar Pradesh**, 2025 SCC OnLine SC 1125. The relevant portion is extracted as



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under:

“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. 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



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particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.”

29. In our view, no such direction as prayed by the petitioner can be granted. A candidate for any examination is expected to verify the details and make necessary corrections before finally submitting the online application. A candidate cannot be allowed to approach the Court stating that they realised their mistake only when he/she failed to qualify. Such post-failure claims for correction are not entertainable. There may be numerous other candidates who similarly filled wrong particulars and were excluded. Giving benefit to one candidate now would deny the same benefit to others, disturbing equality. The recruiting authority cannot be held responsible for the petitioner's own mistakes. The terms of the Advertisement explicitly provided that before applying, candidates should go through the given instructions carefully and that requests for change/correction in any particulars in the Application Form, once submitted would not be entertained. To this extent the Judgment of this Court in **Amarnath Maurya** (supra) cannot come to the aid of the petitioner.

30. As far as the reliance of the petitioner on the Judgment of the Supreme Court in **Vashist Narayan Kumar** (supra) and of this Court in **Ajay Kumar Mishra** (supra) is concerned, we find that the said Judgments also do not come to the aid of the petitioner. Therein, the errors involved were mere typographical mistakes concerning the date of birth of the candidates. These mistakes had no bearing on the candidate's eligibility as they otherwise fulfilled the requisite criteria



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and were hence held to be trivial in nature. As far as the present case is concerned, however, the answer to Column 16 was fundamental to the eligibility of the petitioner as it would have entitled her to height relaxations which she required in order to fulfil the requisite criteria.

31. We would also note that the argument of the petitioner regarding Column '15' of the Advertisement being redundant, is not acceptable. The relevance of Column '15' was for the respondent to judge, and the petitioner having participated in the selection process, cannot claim any field in the application form to be redundant or immaterial. Even otherwise, the petitioner has not been declared ineligible for giving a wrong answer to Column '15'.

CONCLUSION

32. For the aforesaid reasons, the present writ petition being bereft of merit is dismissed. The Impugned Order of the learned Tribunal is upheld.

33. The pending application(s), if any, are disposed of for being infructuous.

34. There shall be no orders as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

DECEMBER 12, 2025/Av