

News

SFIO prosecutor appointment criteria cannot be relaxed for SC/ST candidates: Delhi High Court



The Court ruled that although UPSC may choose to loosen the requirements for SC/ST applicants, this does not provide them any legally binding rights.

A candidate from the Scheduled Caste or Scheduled Tribe (SC/ST) category does not have the right to request a relaxation of the requirements for becoming a prosecutor with the Serious Fraud Investigation Office (SFIO), according to a recent ruling by the Delhi High Court [Anant Kumar Rao vs Union Public Service Commission and Ors].

While the Union Public Service Commission (UPSC) has the discretion to loosen the

requirements for candidates who fall under the SC/ST category, the Division Bench of Justices Anil Kshetarpal and Amit Mahajan pointed out that this does not give these candidates any legally binding rights.

As a result, the Court affirmed the Central Administrative Tribunal's (CAT) decision to reject the candidate's petition and declined to consider a law graduate's appeal contesting the denial of his nomination.

It stated that while petitioner Anant Rao had not appeared in court, he had drafted and reviewed business contracts as part of his professional background. According to the Court, the responsibilities of the prosecutor position include submitting complaints and supporting prosecutions.

Therefore, there is a logical connection between the experience requirement and the post's functional duties. In that regard, the recruiting agency's belief that the petitioner's experience did not meet the necessary criteria could not be considered unreasonable, capricious, or perverse," the Court said.

The UPSC requested applications for 20 SFIO prosecutors in 2022. The position required two years of litigation-related professional experience. Rao demonstrated two years and seven months of job experience at a law firm in his application.

Nonetheless, UPSC pointed out that certain work experience periods lacked supporting documentation. The petitioner submitted additional credentials demonstrating experience working in various capacities after the deadline.

The announcement granted UPSC the authority to loosen the requirements for applicants who fall under the SC/ST category.

Rao said that because he falls under the ST category, his documents submitted after the application deadline should be taken into consideration.

This argument was dismissed by the Court, which held that the deadline's sanctity must be rigorously upheld.

"Any candidate does not have an enforceable right to seek relaxation as a matter of course because of such a provision. According to the Court, "the Petitioner's

membership in the Scheduled Tribe category does not, by itself, require relaxation in the absence of fulfillment of the conditions stipulated therein."

The Court further noted that beyond the application deadline, a candidate cannot be permitted to enhance or add to his eligibility.

It stated that allowing candidates to enhance or add to their eligibility beyond the deadline would be against the intent of Articles 14 and 16 of the Indian Constitution and would create uncertainty and inequality in the selection process.

As a result, the Court denied the petitioner any redress.

The candidate was represented by advocates Rudraksh Jain, Suniti Bhatt, Jyoti Vashisht, and Kamini Lau.

Lekh Raj Singh, Vasu Agarwal, Manish Kumar Singh, and Ravinder Agarwal took the UPSC exam.