



2026 INSC 351

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. _____ of 2026
(@ SLP (C) No.4001-4002 of 2023)

POONAM DWIVEDI & ORS. ...PETITIONER(S)

VERSUS

STATE OF U.P. & ORS. ...RESPONDENT(S)

WITH

CIVIL APPEAL No. _____ of 2026
(@ SLP (C) No.20256 of 2023)

WITH

CIVIL APPEAL No. _____ of 2026
(@ SLP (C) No.22042-22043 of 2023)

J U D G M E N T

MANOJ MISRA, J.

1. Leave granted.
2. These appeals impugn a common judgment and order of the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow¹ dated 09.01.2023 in Special Appeal Nos. 464, 465, 466 and 467 of 2022 preferred

Signature Not Verified

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KAVITA PANDUJA
Date: 2024.04.10
17:35:21 IST
Reason:

¹ High Court

against an order of Single Judge of the High Court dated 19.10.2022 in Writ A No. 5392 of 2022 (Poonam Dwivedi v. State of U.P. and others); Writ A No.6974 of 2022 (Divya Awasthi v. State of U.P. and others); Writ A No. 6911 of 2022 (Archana Saxena v. State of U.P. and others); Writ A No. 5264 of 2022 (Komal v. State of U.P. and others) and Writ A No. 6357 of 2022 (Shanu Tiwari v. State of U.P. and others).

3. On 15.12.2021, the Uttar Pradesh Subordinate Service Selection Commission² issued an advertisement inviting applications for filling up 9212 posts of Health Workers (Female). Ten per cent posts i.e., 921 posts were reserved for EWS³ Category. Last date for submitting the application was 05.01.2022.

4. Pursuant to the invite, the appellants applied under the EWS category for appointment to the post of Health Worker (Female).

5. Clause 8.3 of the advertisement provided:

“The candidates seeking reservation/relaxation in age limit, will have to submit a caste certificate/ reservation certificate, which has been issued till the last date of application or last date of advertisement in prescribed proforma printed in the appendix of

² Commission

³ Economically Weaker Section.

detailed advertisement and available on the website issued by the competent officer in support of reservation category and they should produce the said certificate before the Commission when required.”

- 6.** The prescribed form in which the certificate had to be submitted by a candidate for securing reservation in EWS category is as follows:

Form-I
Government of Uttar Pradesh

Name of office:

Certificate with regard to income and assets to be submitted by the member of the Economically Weaker Section

Certificate No. Date:

Valid for the financial year.....

It is certified that Shri/Smt/Kumari..... Son/Wife/Daughter of is a permanent Resident of Village/Kasba....., Post Office..... Police Station Tehsil..... District..... State, Pin Code..... whose attested photograph given below, is a member of economically weaker section because the total income of his family is below Rs. 8,00,000/- (Rupees eight lakh) in the financial year..... Any of the following properties are not in the ownership of his family.

- (i). More than 5 (five) acre cultivable agricultural land)
- (ii). Plot or one thousand square feet or more than area;
- (iii). Residential plot or more than 100 square yards within the notified municipality.

2. Shri/Smt./Kumari is a member of caste, which is not notified in Scheduled Caste, Scheduled Tribe and any other backward class.

Attested passport size photo of the applicant.

Signature (With office seal)
Full Name:
Designation:
District
Magistrate/Additional
District Magistrate/City
Magistrate/Pargana
Magistrate/Tehsildar”

7. Thus, the following dates are crucial, that is, the date of advertisement, which is, 15.12.2021; and the last date of submission of application, which is, 05.01.2022. Taking into consideration the terms of the advertisement and those dates, an EWS certificate must:

(a) relate to financial year i.e., 2020 – 2021 (because prior to 05.01.2022, the preceding financial year was 2020-2021, i.e., 01.04.2020 to 31.03.2021);

(b) be dated in between 01.04.2021 and 05.01.2022 (because a certificate prior to 01.04.2021 would not relate to the financial year ending 31st March 2021 and since the certificate had to be obtained by the last date of submission of application, it cannot be later than 05.01.2022).

8. The details of certificates submitted by appellants Poonam Dwivedi; Sunita Kumari; Shanu Tiwari and

Komal, who are petitioners 1, 2, 4 and 5 in SLP (C) No. 4000-4001 of 2023; Archana Saxena, who is petitioner in SLP (C) No. 20256 of 2023; and Anuradha Srivastava, who is petitioner in SLP (C) Petition No. 22042-22043 of 2023 are as under:

(1) Poonam Dwivedi

Certificate is dated 12.01.2021. It states that gross annual income of her family is less than Rs. 8 lacs for the Financial Year 2020-21 and that her family does not own any of the following assets during financial year 2020-2021:

- (a) Agricultural property above 5 Acres;
- (b) Flat measuring 1000 sq. ft. or above;
- (c) Plot measuring 100 sq. yards or more in Municipal Council;
- (d) Residential flat of 200 sq. yards and above in areas other than the notified municipalities.

The certificate discloses that it is valid for the financial year 2020-21.

(2) Shanu Tiwari

Certificate is dated 21.01.2021 and it states that gross annual income of her family is below Rs. 8 lacs for the financial year 2019-20, and the certificate is valid for the year 2020-2021. Thereafter, the certificate goes on to recite that she does not own or possess any of the above specified assets.

(3) Sunita Kumari

Certificate is dated 10.01.2022. It states that the gross annual income of her family during the financial year 2021-2022 is less than Rs. 8 lacs. Thereafter, it goes on to recite that she and her family do not own any of the above specified assets.

(4) Komal

Certificate is dated 06.01.2021. Validity period of the certificate is not mentioned.

(5) Anuradha Srivastava

Certificate is dated 05.01.2021 and it states that gross annual income of her family is below Rs. 8 lacs for the financial year 2020-21. Thereafter,

the certificate goes on to recite that her family does not own or possess any of the above specified assets.

(6) Archana Saxena

Certificate is dated 05.02.2021. It states that it is valid for the financial year 2020-21. It also recites that gross annual income of her family is below Rs. 8 lacs for the financial year 2019-2020 and that her family does not own or possess any of the above specified assets.

(7) Divya Awasthi

Certificate is not on record. According to the respondents she had not applied under EWS category.

9. Based on those certificates, the appellants applied under the EWS category and participated in the written test held on 08.05.2022. Being successful in the written test, they appeared for the next level examination. However, their names did not figure in the select list declared on 06.08.2022. Aggrieved therewith, they filed writ petitions before the High Court claiming, *inter-alia*,

that they had received marks higher than the last selected candidate in the EWS category, and therefore, they ought to have been placed in the merit list.

10. The respondents contested the writ petitions claiming, *inter-alia*, that for availing the benefit of EWS category, candidates were required to submit certificate(s) in the requisite format disclosing their financial status in the financial year prior to the year in which they applied for selection. However, as the appellants' certificate(s) were not in order, they were not considered in the EWS category and as their marks were lower than the last selected candidate in the unreserved (general) category, they were not placed in the select list.

11. Before the writ court, on behalf of the writ petitioners (i.e., the appellants herein), it was submitted that the EWS certificate is issued by agencies of the State, in terms of the Government notification dated 14th March 2019, therefore, if it carries mistakes, the candidates cannot be deprived of the benefit of reservation, more so when they have been able to establish their eligibility as a candidate belonging to the EWS category. Moreover,

confusion was created by different descriptions of the year of which the income-certificate had to be obtained. In O.M. dated 17.01.2019 of the Central Government, the year is described as “*financial year prior to the year of application*” and in Government Order dated 18.02.2019 of the State of U.P. it is described as “*year prior to the year of applying for reservation.*” Consequently, if there is any error in the certificate, the fault lies squarely on the State, for which the candidature of the appellants must not suffer.

12. Upon consideration of the aforesaid submissions, the writ court i.e., the learned Single Judge of the High Court, in its judgment dated 19.10.2022, observed as follows:

“11. Learned counsels for the parties agree on the aspect, which is that confusion has occurred because of different provision made in the advertisement as well as in the specimen certificate. The word “financial year” is not used in the advertisement but the same finds mention in the specimen certificate appended along with the advertisement. Sri Gaurav Mehrotra, learned counsel for the Commission stated that certificate should have been issued for the financial year 2020-2021 and relevant documents pertaining to the financial year 2020-2021 and it should be valid for 2020-21, for it to be accepted by the Commission.

12. Heard learned counsel for the parties and perused the record.

13. It is seen that petitioners have approached this Court with common prayer that EWS certificate submitted by them along with their application form was rejected by the Commission on the ground that same was not filled up correctly with regard to the annual income of the candidate and his/her family in the financial year. The competent authority wrongly filled up the income as well as year in the certificates issued by him.

14. It is needless to say that guidelines have been issued by the State Government relying upon the Office Memorandum issued by the Government of India but the advertisement itself was vague to the extent that where term "financial year" was not used, The Government Order dated 18.02.2019 had used terminology of "year prior to the year of filling up the application form" was provided for filling up the income column.

15. It is on account of aforesaid confusion that the authorities had also issued incorrect certificates.

16. It has also been informed by learned Standing Counsel on the basis of instructions received that till date appointment letters have not been issued to the selected candidates.

17. In the light of above, the matter requires interference. Considering the fact that the petitioners had qualified in the main written examination and only because of the discrepancy in their EWS certificate submitted by them which were incorrectly filled up by the competent authority, their candidature has not been considered and hence appointment letters have not been issued to them.”

13. After observing as above, the learned Single Judge

ordered thus:

“18. In view of above, it is directed that the concerned Tehsildar who is the competent authority and who has issued EWS certificates to the petitioners shall issue fresh certificate correctly indicating the income of the candidate and his/her family members, the said income certificate shall be issued for period 2021-22

and documents pertaining to financial year 2020-2021 shall be issued by the competent authority.

19. Let aforesaid exercise be completed within a period of two weeks from the date of production of certified copy of this order before the competent authority and fresh certificate shall be issued in the light of observations made herein above and same shall be submitted to the U.P. Subordinate Service Selection Commission, within one week thereafter on issuance of the same. On receipt of such certificate(s) the Commission shall proceed to consider candidature of the petitioners on their merits before finalising the final results/issuing appointment letters.

20. Before parting with the matter this Court is of the considered view that the State Government should also look into the matter and issue necessary clarification with regard to the contents of EWS certificate and instruct the competent authorities to fill up the same legally and properly, as its incorrect issuance will adversely impact innocent candidates, who rely on the wisdom of the competent authority and presume that the certificate issued is valid and correct and in accordance with law.

21. In the light of above, the writ petitions are partly allowed.”

14. Aggrieved by the judgment and order of the learned Single Judge, four Special Appeals (i.e., intra-court appeals) were filed before the Division Bench of the High Court, which were allowed by the impugned order.

15. Before the Division Bench, it was argued that, admittedly, date of the advertisement was 15.12.2021; last date of submission of the application was 05.01.2022; as per clause 8 of the advertisement, candidates were required to furnish necessary documents including EWS

certificate in the proforma prescribed for claiming the benefit of reservation; the recruitment/ selection was being done in the year 2022, therefore, EWS certificate, which had to be of the previous year, ought to have been relatable to the financial year 2020-2021 i.e., 01.04.2020 to 31.03.2021. It was contended that since the certificates relied by the writ petitioners were obtained prior to closure of financial year 2020-2021, they were not in respect of financial year ending on 31.03.2021. Hence, those certificates were not usable for seeking EWS reservation under the advertisement.

16. Upon consideration of the aforesaid submissions and the provisions of relevant Government Orders, the Division Bench of the High Court found the certificates invalid. The relevant paragraph of the impugned judgment is extracted below:

“35. In the instant case, if the certificates are perused, it would indicate that they have been issued in the month of January, 2021 and February, 2021 as shall be evident from the details mentioned hereinafter:-

(i) In case of Poonam Dwivedi, the certificate is dated 12.01.2021 and is valid for financial year 2020-21. Hence, the certificates cannot be valid for 2020-21 as the year had not been ended by then.

(ii) In the case of Archana Saxena, the certificate dated 05.02.2021 and valid for financial year 2019-20, though, it was required to be filed for the financial year 2020-21, thus, this certificate is not valid.

(iii) In the case of Komal, the certificate is dated 06.01.2021 and is valid for financial year 2019. This certificate also did not relate to the year 2020-21, accordingly not valid.

(iv) In the case of Shanu Tiwari, the certificate is dated 21.01.2021 and valid for financial year 2019-20. This certificate too did not relate to the financial year 2020-21. Hence all the aforesaid certificates are not valid.”

17. We have heard the learned counsel for the parties and have perused the materials on record.

18. The question that arises for our consideration is whether the EWS certificate(s), details of which have been provided above, could be considered valid for claiming the benefit of EWS reservation for appointment to the post concerned.

19. To appropriately decide the issue, it would be useful to refer to the following dates: (i) the date of the advertisement, which is 15.12.2021; (ii) the last date of submission of application, which is 05.01.2022; and (iii) the last date for amending the application, which is 12.01.2022.

20. Clause 8 of the advertisement deals with reservation. Clause 8.3 (supra) specifically deals with

reservation for the EWS category. It clearly provides that candidates will have to submit a caste certificate/ reservation certificate, which has been issued till the last date of application or last date of advertisement, in prescribed proforma printed in the appendix. This would indicate that the certificate must exist prior to the last date of application or the last date of advertisement and should conform to the prescribed proforma printed in the appendix.

21. The appendix contains the form (i.e., Form-I) in which the certificate is to be obtained. A close look at Form-I, appended to the advertisement, would indicate that the certificate would have to disclose the financial year for which it is valid and must contain a statement that the total income of the family is below Rs. 8 lacs in the financial year concerned. Besides, it must disclose whether assets specified therein are in ownership of the family.

22. The UP Public Services (Reservation for Economically Weaker Sections) Act, 2020 (for short, 2020 Act) was notified on 31.08.2020. Section 7 of the 2020 Act

provides that *“for the purpose of reservation provided under this Act, income and assets certificate shall be issued by such authority or officer not below the rank of Tehsildar in the State and in such manner and in such form as the State Government may, by order, provide. The office memorandum no. 1/2019/4/1/2002/ka-2/19 T.C. II, dated 18 February 2019 shall be deemed to have been issued under this section”*.

23. The Office Memorandum dated 18.02.2019, in para 2, provides:

“2. Persons who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes and whose family has gross annual income below Rs. 8.00 identified as EWSS for the benefit of reservation. Family for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his spouse and children below the age of 18 years. The income shall include income from all sources i.e. salary, agriculture, business, profession etc., and it will be income for the financial year prior to the year of application. Also, persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWSS, irrespective of the family income:

- (i) 5 acres of Agricultural land and above;
- (ii) Residential flat of 1000 sq. ft. and above;
- (iii) Residential plot of 100 sq. yards and above in notified municipalities; and
- (iv) Residential plot of 200 sq. yards and above in areas other than the notified municipalities.”

(Emphasis supplied)

24. What is clear from above is that for availing reservation under the EWS category, income for the financial year prior to the year of application would be considered. This position is reiterated in the advertisement, which came after notification of the 2020 Act, wherein, in the appendix, the prescribed form in which the income and assets certificate is to be obtained is provided. There also, the certificate is to be in respect of the financial year.

25. In such circumstances, if the certificate(s) relied upon by the appellants were not in respect of the financial year prior to the year of the application and were issued prior to even closure of the relevant financial year, there was an error apparent on the face of those certificates and, therefore, in our view, the respondents were justified in rejecting the claim of the appellants based on those certificates.

26. The argument on behalf of the appellants that the State should not have issued certificate(s) concerning financial year which had not closed by the date of issuance of those certificates is of no substance, because those

certificates were obtained even before the date of publication of the advertisement. Notably, the advertisement was issued on 15.12.2021 whereas certificate(s), except that of Sunita Kumari, were of January and February 2021. Therefore, those candidates could have applied for fresh certificates in terms of the advertisement if their earlier certificates were not in conformity with the advertisement. Insofar as Sunita Kumari is concerned, though her certificate is dated 10.01.2022, it relates to Financial Year 2021-2022, when it ought to have been in respect of Financial Year 2020-2021. In **UPSC v. Gaurav Singh & Ors.**⁴, this Court held that when certificate is sought in respect of a particular financial year, certificate of a different financial year goes to the root of the eligibility of a candidate. In that light, even the certificate of Sunita Kumari was invalid for claiming the benefit of reservation. In such circumstances, we do not find any good reason to interfere with the order passed by the High Court.

⁴ (2024) 2 SCC 605

27. Besides, in *Divya v. Union of India and Others*⁵, this Court has already held that for claiming reservation under EWS category, Income and Asset Certificate of the specified financial year in the prescribed form must be in possession of the candidate on or before the cut-off date. As, admittedly, the appellants did not possess the necessary certificate in the prescribed form by the cut-off date, no relief can be accorded to the appellants.

28. Before parting, we would like to observe that in matters of public recruitment, where large number of candidates participate, application forms are submitted online along with the scanned eligibility documents, certificates, etc. Such applications are processed through computer applications/ software and therefore, any error in the application is bound to result in rejection of the candidature. Challenge to such a rejection must not ordinarily be entertained as it could stall expeditious completion of the recruitment process thereby frustrating thousands and lacs of aspirants.

⁵ (2024) 1 SCC 448

29. For all the reasons above, the appeals lack merit and are, accordingly, dismissed. Pending applications, if any, shall stand disposed of. There is no order as to costs.

.....**J.**
(Manoj Misra)

.....**J.**
(Prasanna B. Varale)

New Delhi;
April 10, 2026