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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 27.02.2026*  
*Judgment pronounced on: 16.04.2026*

+ **W.P.(C) 8477/2024 and CM APPL. 7874/2025**

ANISH ARUN &amp; ORS.

.....Petitioners

Through: Mr. Shivendra Singh, Mr. Sagar  
Devgan, Ms. Prakriti Rastogi  
and Ms. Aryama Singh Rajput,  
Advs

versus

UNION OF INDIA &amp; ORS.

.....Respondents

Through: Mr. Ravinder Agarwal, Mr.  
Manish Kumar Singh, Mr. Vasu  
Agarwal and Mr. Lekh Raj  
Singh, Advs. for UPSC

**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****AMIT MAHAJAN, J.**

1. The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following prayers:

*“a. Pass an appropriate writ or order or direction striking down the DoPT OM dated 31.01.2019 as violative of Article 14 and Article 16(1) of the Constitution of India, and further pass an appropriate writ or order or direction striking down the FAQs dated 19.09.2022 issued by Respondent No. 2 DOPT to the extent it accords parity to the candidates of EWS category with the candidates of General Category in age criterion and denies candidates belonging to the EWS category any age relaxation as has been extended to candidates belonging to SC/ST/OBC (Central-NCL) categories, and further pass an appropriate writ or order or direction striking down the*



*C.S.E. 2024 Notification issued by Respondent No. 3 UPSC to the extent it does not provide any age relaxation for the EWS Category; and*

*b. Pass an appropriate writ/ order or direction in the nature of mandamus to the Respondents directing them to extend the same relaxation/concession in age/attempts as is extended to candidates belonging to Central OBC Lists also to the candidates belonging to the EWS category in direct recruitments in employment under the Central Government; and*

*c. Pass such other order or direction as it deems fit in the facts of the present case and in the interest of justice.”*

2. The Petitioners, who belong to the Economically Weaker Section ('EWS') category, seek extension of the same relaxation in upper age limit and number of attempts as is presently available to candidates belonging to the Scheduled Castes ('SC'), Scheduled Tribes ('ST') and Other Backward Classes ('OBC') in direct recruitments / employment under the Central Government.

3. Material facts germane to the adjudication of the present case are as follows:

- i. The Constitution (103<sup>rd</sup> Amendment) Act, 2019 was notified in the Gazette of India on 12.01.2019, wherein Article 15(6) and Article 16(6) were inserted in the Constitution. Article 15(6) of the Constitution empowers the State to make special provisions for the advancement of citizens belonging to the EWS category. Article 16(6) further empowers the State to make reservation of appointments or posts in favour of EWS citizens, in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category.



- ii. Respondent No. 2 *vide* Office Memorandum dated 31.01.2019 titled '*Reservation for Economically Weaker Sections in direct recruitment in civil posts and services in the Government of India*' declared a reservation of 10% for persons belonging to EWS category, who are not covered under the scheme of reservation for SCs, STs, and OBCs, in direct recruitment in civil posts and services in the Government of India.
- iii. Respondent No. 3 issued a Notice of Examination dated 19.02.2019 wherein candidates belonging to SC/ST categories were allowed age relaxation of up to a maximum of five years and candidates belonging to OBC category were allowed age relaxation of up to a maximum of three years. Further, the Notification declared that every candidate appearing was permitted a maximum of six attempts, however, certain relaxation with regard to maximum number of attempts *qua* SC/ST/OBC category candidates were given. None of the aforesaid relaxations were extended to candidates belonging to the EWS category.
- iv. Respondent No. 2 issued *Frequently Asked Questions (FAQs) on reservation to Economically Weaker Sections in posts/services under Central Government* dated 19.09.2022, the relevant questions with respect to age relaxation to EWS category have been reproduced as under:

*“Question-12- If a person belongs to Other Backward Classes (OBCs) in a State list but not in Central List, can he apply for Income and Asset Certificate?”*



*Answer: Para 2 of annexure-1 to O.M., dated 31.01 .2019, regarding Income & Asset Certificate reads as under: "Shri/Smt./Kumari belongs to the caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)" Therefore, if a person belongs to OBC in a State list but not in Central List, he/she can apply for Income and Asset Certificate for applying to posts and services of the Government of India to avail of EWS reservation subject to fulfilling other conditions, as mentioned in said OM, dated 31.1.2019*

*Question-28. - Whether the benefit of age relaxation and relaxation in number of attempts available to EWS candidates?*

*Answer: No. The conditions prescribed for General category candidates in matters of Age and Number of attempts, would also apply to EWS candidates."*

- v. Respondent No.2, thereafter, published the Civil Services Examination Notification dated 14.02.2024, which also did not provide any upper age/attempt relaxation to candidates belonging to the EWS Category.
  - vi. The Petitioners initially approached the Hon'ble Apex Court seeking the same relief as sought in the present petition, however, the same was dismissed as withdrawn with liberty to approach this Court *vide* order dated 14.05.2024.
  - vii. Shortly afterwards, the Petitioners preferred the present petition.
4. The learned counsel for the Petitioners submitted that in the instant case, the plight of the Petitioners is that even after more than 5 years of the coming into force of the 103<sup>rd</sup> Constitutional Amendment, no age relaxation is provided to EWS candidates in direct recruitment under Central Government. He submitted that there have been no



stakeholder consultations by the concerned Ministries (Respondents herein) in this regard as well. He submitted that in these circumstances, the Petitioners cannot wait indefinitely for executive action on this front.

5. He submitted that in *Janhit Abhiyan vs Union of India* :(2022) 10 SCC 1, the Hon'ble Apex Court has reiterated that if we are to move towards a casteless society, economic depravity should be given equal if not more weightage compared to social backwardness. He submitted that if reservation for the EWS category lacks key components for true realization of affirmative action like age/attempt relaxation, then the objective of reservation would itself be frustrated.

6. He submitted that candidates who belong to State OBC categories, which are not included in the Central list, are not accorded any reservations in recruitment with the Central Government. He submitted that candidates who are in the State OBC list and also qualify the stringent criteria of EWS are not being accorded any relaxations in terms of age or number of attempts, even though such candidates are undisputedly both socially and economically backward. He submitted that this is a violation of the guarantee of equality provided under Article 14 of the Constitution of India.

7. He submitted that the Union Territory of Jammu and Kashmir has provided for age relaxation to EWS candidates along with eight other State Governments. He submitted that the administration of Jammu and Kashmir is currently under the domain of the Central



Government, and that granting upper age relaxation to the EWS Candidates by the Central Government for Recruitment within the J&K Government while denying it for recruitments under the Central Government is arbitrary and devoid of any sound reasoning. He submitted that variable standards cannot be put in place by the same Executive as it is violative of the guarantee of equality protected under Article 14 of the Constitution of India.

8. He submitted that the complete exclusion of candidates belonging to EWS category from a particular exemption or concession (age relaxation) that has been introduced in aid of reservation is arbitrary and shows non-application of mind. He submitted that an analysis of quantifiable data indicates that applicants from the EWS Category in various examinations for direct recruitment under the Central Government are manifolds lesser in number when compared to SCs/STs/OBCs (all of which have been extended benefits of relaxation in upper age limit).

9. He submitted that in *Onkar Lal Bajaj v. Union of India* : (2003) 2 SCC 673, the Hon'ble Apex Court observed that the act of governance has to withstand the test of judiciousness and impartiality and if a decision is not based on the values of justice, equity and fair play but to achieve popular accolade, that decision cannot be allowed to operate.

10. He submitted that DOPT OM dated 31.01.2019 is arbitrary, discriminatory and violative of Articles 14 16(1) of the Constitution of



India to the extent that it grants parity to the candidates of EWS category with the candidates of General category in age criteria and denies them any age relaxation.

11. The learned counsel for the Respondents submitted that identical issue as in the present case already stands concluded against similarly situated candidates in W.P (C) 3093/2022 titled ***Harish Indoriya v. Union of India and Anr.*** decided by the Single Bench of this Court as well as in W.P. No.14695/2024 captioned ***Aaditya Narayan Pandey v. Union of India and Ors.*** and connected matters decided by the Division Bench of the High Court of Madhya Pradesh.

12. It was further submitted that the Executive has assessed the demand for age/attempt relaxation for the EWS category. It is submitted that UPSC is receiving approximately 450-631 applications per vacancy in the EWS category, and on this basis, the Government has not found it appropriate to extend further relaxations in age or attempts to EWS candidates.

### ***Analysis***

13. The Respondents, through the Office Memorandum dated 31.01.2019, Exam Notification dated 19.02.2019, the FAQs dated 19.09.2022, and the CSE 2024 Notification, have adopted a policy framework under which relaxations in the upper age limit and the number of permissible attempts, as extended to SC/ST/OBC candidates, are not made available to those belonging to the EWS



category in appointments under the Central Government. The Petitioners, being members of the said category, essentially seek parity with candidates from SC/ST/OBC categories in respect of the grant of such relaxations. This issue is undisputedly a policy matter, which falls in the domain of the Legislature.

***Scope of judicial review in policy matters***

14. At the outset, it is imperative to appreciate that while exercising jurisdiction under Article 226 of the Constitution, Courts do not enact laws or frame policies and the same is in the domain of the Legislature and Executive. It is presumed that these institutions understand the needs of its people and make laws and policies accordingly. Courts should not interfere with policy decisions unless the policy can be faulted on grounds of violation of fundamental rights, manifest arbitrariness or is opposed to statutory or constitutional framework, which would render the policy unconstitutional. However, if the policy cannot be faulted on any of these grounds, the mere fact that it would hurt the interests of one party or is not equally beneficial to all, does not justify invalidating the policy. Reference is made to the judgment in ***Directorate of Film Festivals vs Gaurav Ashwin Jain : (2007) 4 SCC 737***, where the Hon'ble Apex Court observed as under:

*“16. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate. **The scope of judicial***



*review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review (vide Asif Hameed v. State of J&K [1989 Supp (2) SCC 364] , Sitaram Sugar Co. Ltd. v. Union of India [(1990) 3 SCC 223] , Khoday Distilleries Ltd. v. State of Karnataka [(1996) 10 SCC 304] , BALCO Employees' Union v. Union of India [(2002) 2 SCC 333] , State of Orissa v. Gopinath Dash [(2005) 13 SCC 495 : 2006 SCC (L&S) 1225] and Akhil Bharat Goseva Sangh (3) v. State of A.P. [(2006) 4 SCC 162])”*

(emphasis supplied)

15. Undisputedly, Courts are not advisors to the Executive on matters of policy which the Executive is entitled to formulate. It is not ordinarily within the domain of Courts to weigh the pros and cons of a policy or test the degree of its equitable disposition. Reference at this stage can be made to the observations of the Apex Court in ***State of Punjab v. Ram LubhayaBagga : (1998) 4 SCC 117***, the relevant extracts of the said judgment have been reproduced herein below:

*“25. Now we revert to the last submission, whether the new State policy is justified in not reimbursing an employee, his full medical expenses incurred on such treatment, if incurred in any hospital in India not being a government hospital in Punjab. Question is whether the new policy which is restricted by the financial constraints of the State to the rates in ALIMS would be in violation of Article 21 of the Constitution of India. So far as questioning the validity of governmental policy is concerned in our view it is not normally within the domain of any court, to weigh the pros and cons of the*



*policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning, except where it is arbitrary or violative of any constitutional, statutory or any other provision of law. When Government forms its policy, it is based on a number of circumstances on facts, law including constraints based on its resources. It is also based on expert opinion. It would be dangerous if court is asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out on affidavits. The court would dissuade itself from entering into this realm which belongs to the executive. It is within this matrix that it is to be seen whether the new policy violates Article 21 when it restricts reimbursement on account of its financial constraints.”*

*(emphasis supplied)*

16. Hence, it is no more *res integra* that this Court does not sit in appeal to amend the policies. The Executive is entrusted with the task of formulation and implementation of policies. These policies are often the product of complex economic, social, political and technical considerations. To subject such policy decisions to judicial substitution merely because a different view appears more prudent or equitable would violate the doctrine of separation of powers. Judicial Review, therefore, is not concerned with the merits of a policy but with its legality.

### ***Constitutional Framework Governing Reservation for Economically Weaker Sections***

17. In order to test whether the assailed policy of the government could be adjudicated as unconstitutional or violative of any other provision of law, it is also imperative to appreciate the evolution of



law in relation to reservation of posts or appointments under the State to citizens belonging to the EWS category.

18. The Constitution of India initially did not contain any provision to allow for reservations for citizens belonging to economically deprived sections of society. The concessions under Article 16 pertaining to reservations were only restricted to Socially and Educationally Backward Classes, including the SC, ST and OBC categories. While Article 16(1) of the Constitution of India provided that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, Article 16(4) empowered the State to make reservations in appointments or posts in favour of *any backward class* of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

19. It is only in the year 2019 that Article 16(6) was inserted in the Constitution by the 103<sup>rd</sup> Amendment in order to extend such benefits towards the *Economically Weaker Sections of society*. The relevant provisions of the Constitution of India are set out below:

*“16(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.*

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*16(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of **any backward class of citizens** which, in the opinion of the State, is not adequately represented in the services under the State.*

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*16(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of **any economically weaker sections of citizens other than the classes mentioned in clause (4)**, in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category.”*

*(emphasis supplied)*

20. The objective underlying the introduction of reservation for candidates belonging to the Economically Weaker Sections was to address the exclusion of such sections from higher educational institutions and public employment on account of financial incapacity. Recognising the mandate of Article 46 to promote the educational and economic interests of weaker sections, the legislature sought to extend the benefit of reservation to those who, though not socially backward, suffer from economic disadvantage and lack a fair opportunity to compete with more privileged sections of society. The same is evident from the *Statement of Objects and Reasons of the Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019*, through which the said amendments were introduced and placed before Parliament for consideration, and which are reproduced hereinbelow:

*“At present, the economically weaker sections of citizens have largely remained excluded from attending the higher educational institutions and public employment on account of their financial incapacity to compete with the persons who are economically more privileged. The benefits of existing reservations under clauses (4) and (5) of article 15 and clause (4) of article 16 are generally unavailable to them unless they meet the specific criteria of social and educational backwardness.*

*2. The directive principles of State policy contained in article 46 of the Constitution enjoins that the State shall promote with special care the educational and economic*



*interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.*

*3. Vide the Constitution (Ninety-third Amendment) Act, 2005, clause (5) was inserted in article 15 of the Constitution which enables the State to make special provision for the advancement of any socially and educationally backward classes of citizens, or for the Scheduled Castes or the Scheduled Tribes, in relation to their admission in higher educational institutions. Similarly, clause (4) of article 16 of the Constitution enables the State to make special provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.*

*4. However, economically weaker sections of citizens were not eligible for the benefit of reservation. With a view to fulfil the mandate of article 46, and to ensure that economically weaker sections of citizens to get a fair chance of receiving higher education and participation in employment in the services of the State, it has been decided to amend the Constitution of India.*

*5. Accordingly, the Constitution (One Hundred and Twenty-fourth Amendment) Bill, 2019 provides for reservation for the economically weaker sections of society in higher educational institutions, including private institutions whether aided or unaided by the State other than the minority educational institutions referred to in article 30 of the constitution and also provides for reservation for them in posts in initial appointment in services under the State.*

*6. The Bill seeks to achieve the above objects.”*

21. It flows from the 103<sup>rd</sup> Constitutional Amendment and the objectives of parliament in the 124th Constitution Amendment Bill that EWS refers to that constitutionally recognised category of



individuals, being persons not covered under SC/ST/OBC classes, and who are economically disadvantaged, as identified and determined by the State on the basis of income and asset criteria, for the purpose of receiving the benefit of reservation in education and public employment under Articles 15(6) and 16(6) of the Constitution of India. EWS is a residual class constituted by exclusion, who are accorded reservations solely on the ground of economic deprivation and not historical social discrimination or caste-based oppression.

22. Perusal of the Parliamentary Debates of the *Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019* reveals that the legislature consciously envisaged the EWS, who have been suffering from economic depravity, as a category distinct from and mutually exclusive of, the classes already contemplated under Articles 15(4) and 16(4) of the Constitution of India. The same is also evident from the very phrasing of Article 16(6) of the Constitution which provides for reservation for a class of citizens “*other than the classes mentioned in clause (4)*”. A natural corollary to the above would be that this class of citizens contemplated under Article 16(6) was introduced as a separate class from the socially and educationally backward class of citizens.

***Whether the non-extension of age and attempt relaxations to EWS candidates is unconstitutional or arbitrary?***

23. The Petitioners have assailed the Office Memorandum dated 31.01.2019 passed by Respondent No.2, Notice of Examination dated



19.02.2019, FAQs dated 19.09.2022 and the C.S.E. 2024 Notification to the extent that the policy framed by the aforesaid denies EWS candidates' relaxations in terms of age and attempts as has been accorded to SC/ST/OBC candidates. In order to assess whether this Court can interfere with the said policy, the Court ought to determine whether the same is unconstitutional or arbitrary.

24. The Office Memorandum, dated 31.01.2019, titled '*Reservation for Economically Weaker Sections in direct recruitment in civil posts and services in the Government of India*' declared a reservation of 10% for persons belonging to EWS category, who are not covered under the scheme of reservation for SCs, STs, and OBCs, in direct recruitment in civil posts and services in the Government of India. It further provides that persons who are not covered under the scheme of reservation for SC/ST/OBC and whose family has gross annual income below ₹8,00,000/- are to be identified as EWS for the benefit of reservation.

25. Notice of Examination dated 19.02.2019 wherein candidates belonging to SC/ST categories were allowed age relaxation of up to a maximum of five years and candidates belonging to OBC category were allowed age relaxation of up to a maximum of three years. Further, the Notification declared that every candidate appearing was permitted a maximum of six attempts, however, certain relaxation with regard to maximum number of attempts qua SC/ST/OBC



category candidates were given. None of the aforesaid relaxations were extended to candidates belonging to the EWS category.

26. Frequently Asked Questions on reservation to Economically Weaker Sections in posts/services under Central Government dated 19.09.2022 issued by Respondent No.2, the same only reiterates the policy of the government stating that age relaxation is not provided to candidates belonging to the EWS category.

27. The Petitioners have also assailed the C.S.E Notification 2024 contending that the same does not provide any age relaxation/ attempt relaxation to EWS candidates.

28. As discussed above, the Economically Weaker Sections category, introduced only in 2019 through the 103rd Constitutional Amendment, stands on a fundamentally different footing from the SC/ST/OBC categories. The distinction between EWS and the SC/ST/OBC categories is highlighted by the very nature of the disadvantage they seek to address. EWS is concerned only with economic deprivation. The hardship faced by individuals in this category arises from lack of financial resources. It does not stem from social stigma or historical exclusion.

29. In contrast, SC, ST, and OBC categories are rooted in deep and long-standing social and educational backwardness. These groups have suffered discrimination and ostracism for generations, solely on account of their caste, such a disadvantage is structural and enduring.



Caste, unlike economic status, is not a variable, it is fixed by birth and cannot be changed. A person born into a disadvantaged caste continues to face its consequences throughout life.

30. Economic status, on the other hand, is fluid. It can change over time, within years or across generations. A person may move in or out of poverty depending on circumstances. For this reason, the deprivation faced by EWS individuals is not comparable to caste-based discrimination, which carries to some extent a long lasting social stigma.

31. Therefore, since it cannot be said that the handicaps faced by socially backward classes and economically deprived classes are the same, different ancillary concessions and relaxations ought to be provided to both the categories. The EWS category cannot claim automatic parity with SC/ST/OBC in ancillary considerations such as age relaxation or enhanced attempts.

32. Appositely, the constitutional framework itself recognizes distinction between the EWS and SC/ST/OBC categories, mere grant of certain concessions to one category does not amount to discrimination once admittedly the reservation has been granted to all the categories. The Hon'ble Apex Court in *C. Udayakumar v. Union of India : 1995 Supp (3) SCC*, while adjudicating a similar issue in relation to candidates belonging to the OBC category not being granted the same upper age limit relaxation as the SC/ST category, observed that once the constitution itself recognizes distinction



between SC/ST and OBCs in the matter of reservation, then merely because some concessions given to SC/ST are not extended to OBCs, the reservations do not become discriminatory. The relevant paragraphs of the aforesaid judgment are reproduced herein below:

*“3. The Constitution itself recognises the distinction between the Scheduled Castes, Scheduled Tribes and the Other Backward Classes in the matter of reservation. Merely because reservations are kept or concessions are given to the Scheduled Castes and Scheduled Tribes which are not extended to the OBCs, the reservations and the concessions do not become discriminatory.*

*4. In the present case, the respondent-Union of India has filed an affidavit in which it is pointed out that the number of candidates belonging to OBCs who have qualified to appear for the preliminary examination is ten times the number of posts. If in the circumstances, the Government has not thought it necessary to relax the upper age-limit for the OBCs, it cannot be said that the Government has not applied its mind.”*

(emphasis supplied)

33. Even otherwise, it is upon the State to decide the quantum and manner of reservations to be accorded to citizens belonging to the said categories. The State has to look at data, social conditions, and administrative needs before deciding the extent and manner of reservations. The State, after consideration of such data, while issuing instructions in terms with Article 16(6), has chosen to not provide relaxations and concessions to the EWS category, in the matter of age limit/attempts. The Hon’ble Apex Court in ***Bir Singh vs Delhi Jal Board & Others : (2018) 10 SCC 312*** has also held that the policy decision of the State to provide reservation, is beyond the pale of



judicial review. The relevant paragraphs of the said judgment have been reproduced herein below:

*“37. Article 16(4) is an enabling provision: It enables the State to provide to Backward Classes including Scheduled Castes and Scheduled Tribes reservation in appointments to public services. Such reservation is to be provided on the basis of quantifiable data indicating the adequacy or inadequacy, as may be, of the representation of such classes in Government service. The data which is the basis of the satisfaction of the State being verifiable, is open to judicial scrutiny on the limited ground of relevance of the circumstances on which the satisfaction is moulded. The policy decision to provide reservation, of course, is beyond the pale of judicial review.”*

34. Even in the cases of ***Harish Indoriya***(*supra*) and ***Aaditya Narayan Pandey v. Union of India and Ors.*** (*supra*), a Single Bench of this Court and a Division Bench of the Madhya Pradesh High Court, respectively, had dismissed writ petitions filed by EWS candidates, seeking relaxations as accorded to candidates of SC/ST/OBC, with the observation that the policy decision taken *qua* relaxations, on attempts and age limit, is beyond the scope of judicial review.

35. It is also the contention of the Petitioners that candidates who are in the State OBC list and also qualify the stringent criteria of EWS are not being accorded any relaxations in terms of age or number of attempts even though such candidates are undisputedly both socially and economically backward.



36. It is pertinent to note that Article 342A treats the lists maintained by the State Government and Central Government for socially and educationally backward classes as distinct. Undisputedly, a community not figured in the Central List, though figuring in the State Government List, cannot claim reservation for services under the Union.

37. Once a particular caste or community is not recognised as OBC for the purpose of the Central Government then there can be no question to claim any ancillary concessions under the Central Government emerging from Article 15 and 16 of the Constitution of India.

38. It is further contended by the Petitioners that the Union Territory of Jammu and Kashmir, along with eight other State Governments, has extended age relaxation to EWS candidates, and that the denial of similar relaxation in recruitments under the Central Government is arbitrary and lacking in any sound rationale.

39. In the opinion of this Court, no claim of parity can be sustained between policies framed by the Union and those adopted by individual States or Union Territories. Conditions of service, including the prescription of age limits and permissible attempts, fall within the exclusive domain of the respective recruiting authorities. The mere fact that certain States or Union Territories have chosen to extend such relaxations does not impose any corresponding obligation upon the Central Government to adopt an identical approach.



40. At the cost of repetition, this Court must state that such policy decisions are made by the Legislature and Executive taking into account a number technical considerations and expert opinion. In the opinion of this Court, merely because the policy accords different relaxations to candidates who have been accorded reservation under separate categories, the said policy cannot be said to be *mala fide*, arbitrary or unconstitutional.

41. In view of the aforesaid, the Office Memorandum dated 31.01.2019 which provides 10% reservation to EWS candidates without providing any other ancillary relaxations and Notice of Examination, dated 19.02.2019 which only provides relaxations in terms of age and attempt relaxation to SC/ST/OBC candidates cannot be held to unconstitutional or arbitrary.

42. The *Frequently Asked Questions on reservation to Economically Weaker Sections in posts/services under Central Government* dated 19.09.2022 issued by Respondent No.2, only reiterates the policy of the government stating that age relaxation is not provided to candidates belonging to the EWS category. Once this Court has concluded that the policy decision not to extend age relaxation to the EWS category is neither unconstitutional nor arbitrary, the FAQs reflecting that position cannot be said to suffer from any perversity.

43. The CSE Notification, 2024 is issued in accordance with the Civil Services Examination Rules, 2024. Rule 3 of these Rules



prescribes the number of attempts available to candidates across different categories, while Rule 5 stipulates the minimum and maximum age limits, along with the age relaxations granted to certain categories. Notably, the Rules do not provide any age or attempt relaxation for candidates belonging to the EWS category. These Rules have not been challenged before this Court. In any event, it is undisputed that the State has not framed any policy granting such relaxations to EWS candidates; consequently, no such benefit can be claimed as a matter of right.

44. Evidently, the Petitioners have failed to demonstrate that the impugned policy is arbitrary or violative of any constitutional, statutory, or other provision of law.

45. It is also relevant to point out that this Court is not unmindful of the socio-economic realities that undergird the classification of candidates within the Economically Weaker Sections. The eligibility thresholds prescribed for inclusion in this category are, by design, exacting and exclusionary, ensuring that only those who are genuinely afflicted by economic deprivation are brought within its fold. At the same time, this Court must remain cognizant of the institutional boundaries that circumscribe the exercise of judicial review. The Legislature being conscious of the plight of candidates belonging to the EWS category has introduced reservations. The additional relaxations sought by the Petitioners, however, entail multifaceted evaluations; ranging from administrative feasibility and financial



implications to the potential impact on existing reservation frameworks. Such determinations are undisputedly legislative in character and lie within the purview of the Legislature and the Executive.

***Conclusion***

46. In such circumstances, the assailed policy decision falls squarely outside the permissible scope of judicial review and warrants no interference by this Court.

47. In our considered opinion, the Petitioners have failed to make out any case to issue a writ of mandamus to grant age relaxation or increase the number of attempts granted to members of the EWS category. Further, no case has been made out to quash Office Memorandum dated 31.01.2019, Notice of Examination dated 19.02.2019, FAQs dated 19.09.2022 or the C.S.E. 2024 Notification.

48. In view of the above, the present Petition is dismissed. Pending application also stands disposed of.

**AMIT MAHAJAN, J.**

**ANIL KSHETARPAL, J.**

**APRIL 16, 2026**

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