

2026 LiveLaw (SC) 328

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
DIPANKAR DATTA; J., SATISH CHANDRA SHARMA; J.

April 02, 2026

CIVIL APPEAL NO. 4150 OF 2026 @ SPECIAL LEAVE PETITION (C) NO. 12269/2026 @
DIARY NO. 10302/2026

COMMISSIONER, DELHI POLICE & ANR. versus UTTAM KUMAR

Public Employment – Selection Process – Rescheduling of Physical Endurance and Measurement Test (PE&MT) – Effect of Non-Appearance due to Illness - The Supreme Court set aside the directions of the Central Administrative Tribunal (CAT) and the Delhi High Court which had allowed a candidate to reappear for the PE&MT with a subsequent batch - held that when an advertisement explicitly stipulates that the schedule for selection tests is final and cannot be altered under any circumstances, candidates do not have an enforceable right to seek rescheduling based on minor ailments like cold, cough, or fever.

Conduct of Aspirants – Lack of Drive and Initiative - Supreme Court observed that the respondent's failure to physically report for the test on the scheduled date, despite being mobile on the previous day, demonstrated a "lack of drive and initiative" - For candidates aspiring to join the police force, such "tardy and lethargic conduct" is undesirable - Held that in competitive public employment, opportunities must be "grabbed with both hands".

Exercise of Discretion – Backward Community Status – Level Playing Field - Supreme Court clarified that belonging to a backward community cannot be a decisive factor in tilting the scales of justice in matters of public employment selection - Adjudicatory bodies (Tribunals and High Courts) must operate within well-defined boundaries of discretion and should not allow "grace, charity or compassion" to interfere with maintaining a fair level playing field – Appeal allowed.

[Paras 5-11]

For Appellant(s): Ms. Archana Pathak Dave, A.S.G. Mr. Mukesh Kumar Maroria, AOR Mr. Garvil Singh, Adv. Mr. Kamal Digpaul, Adv. Ms. Harshita Choubey, Adv. Mr. Padmesh Mishra, Adv.

For Respondent(s): Ms. Jagrati Singh, AOR Mr. Shivanshu Bhardwaj, Adv. Mr. Rajpal, Adv. Mr. Surendar Kumar, Adv. Mr. Omprakash, Adv. Mr. Himanshu Bhardwaj, Adv. Mr. Raghuvansh Mishra, Adv.

J U D G M E N T

1. Leave granted.
2. This appeal presents a classic example of how irresponsible an individual can be.
3. Public employment is scarce. The youth of the country eagerly await such employment opportunities, as and when the same are thrown open, with fervent hopes for a brighter future. Here, we have a case where the respondent, despite having qualified in the first tier of the selection process for appointment as a Constable in the police force, has simply frittered away a golden opportunity by staying away from participating in the next tier of selection, i.e., the Physical Endurance and Measurement Test¹ citing ill health (suffering from cold, cough, fever, headache, body pain, and dizziness). Respondent should have been made to pay the price for his tardy and lethargic conduct; however, the successful invocation of jurisdiction by the Central Administrative Tribunal, Principal

¹ PE&MT

Bench, New Delhi² in directing the appellants to allow the respondent to take the PE&MT with the next batch of job aspirants, followed by refusal of the High Court of Delhi³ to interfere resulting in approval of the Tribunal's aforesaid direction, has triggered this appeal.

4. The reason which weighed with the Tribunal and the High Court is that the respondent had submitted at least 3 (three) representations seeking rescheduling of the date for his PE&MT, which went unheeded.

5. The advertisement dated 1st September, 2023 pursuant to which the respondent applied for consideration of his candidature, in no uncertain terms, stipulated that the schedule for the PE&MT is final and cannot be altered under any circumstances. We are informed that a little less than a lakh of job aspirants had registered themselves for participation in the selection process; however, it was the respondent alone who sought for rescheduling of the date for the PE&MT.

6. The record reveals that the respondent was scheduled to appear for the PE&MT on 14th January, 2024. He sought to submit three representations dated 13th, 14th and 25th January, 2024. Prayer in the first two representations was common: either the respondent be advised to take the PE&MT on the reserve day or 15 (fifteen) days' time may be given to him to recover. Admittedly, the first representation "*was not accepted by the concerned officer*". It was, therefore, not looked into. Insofar as the second and the third representations are concerned, we find absence of any statement in the original application that the same were received by the office of the respective addressees. Our query as to who submitted the said representations went unanswered. There being no endorsement acknowledging receipt of the said representations, it makes the claim of the respondent that his representations were not considered doubtful.

7. Be that as it may, assuming that the representations were received and did deserve a look, there is a clear statement in the third representation (dated 25th January, 2024) that "*on the morning of 13th January, 2024 the applicant reported to the Delhi Police Recruitment 2023 for the Posts of Constable/ Executive Male ...*". By his own admission, the respondent was able to move around on 13th January, 2024 but unable to move on 14th January, 2024. Such being the position, at least, an effort should have been made by the respondent to remain physically present on the scheduled date of the PE&MT. He, however, abstained and was, in our opinion, rightly marked "ABSENT".

8. Even otherwise, notwithstanding that the representations were not answered, bearing in mind the clear stipulation in the advertisement, noted above, the request of the respondent could not have been favourably considered unless, of course, an exceptional case for its acceptance were set up. Nature of the respondent's ill health on the date he was scheduled to appear for the PE&MT (14th January, 2024) was not such so as to deserve an exceptional treatment. We, thus, see no reason to hold that the omission, neglect or failure of the appellants to even respond to the respondent's representations, assuming that they were received, conferred on him the enforceable right to seek a rescheduling of the examination date. Most certainly, non-communication of any decision on any of the representations, on facts and in the circumstances, did not clothe the Tribunal to make the order it did while disposing of the original application, throwing the process asunder.

² Tribunal

³ High Court

9. The stakes are high, when it comes to public employment and opportunities like these can be life changing for young people. When chances are rare, one needs to grab them with both hands. The ailment from which the respondent was suffering was not such that he was even unable to move, and the minimum that one could expect of him was to report for the PE&MT, cite his inability to take the same and to request rescheduling to enable him participate. This could have, at least, given an opportunity to the appellants or the authorities in charge of holding the examination to decide whether or not the respondent was in genuine need for an accommodation. Not showing up and expecting a second chance, clearly demonstrates a lack of drive and initiative on the part of the respondent.

10. Given that the respondent aspired to join the police force as a Constable, his conduct leaves a lot to be desired.

11. We are also not persuaded to accept the argument that since the respondent belongs to the backward community, the Tribunal and the High Court were right in exercising discretion in his favour and against the appellants. Merely because one belongs to the backward community cannot be the decisive factor for tilting the scales. The boundaries for exercise of discretion are well carved out beyond which the adjudicatory fora ought not to trench. Grace, charity or compassion ought to stay at a distance in matters of public employment, if a fair level playing field is to be secured.

12. There is, thus, no other option before us but to set aside the judgment and order of the Tribunal dated 7th July, 2025, since upheld by the High Court *vide* the judgment and order dated 3rd September 2025 under challenge. It is ordered accordingly.

13. The appeal stands allowed.

14. Parties shall bear their own costs.

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