

Court No. - 34

Case :- WRIT - A No. - 12359 of 2023

Petitioner :- Alok Tiwari

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Rudra Kant Mishra, Sr. Advocate

Counsel for Respondent :- C.S.C., Avneesh Tripathi, M.N. Singh

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the petitioner and Sri Avneesh Tripathi, learned counsel appearing for the U.P. Public Service Commission.

2. Original records have been produced today in respect of four candidates namely Prashant Tiwari, Diwanshu Wilson, Ashish Kumar Dwivedi and Sachin Shukla who had also applied against the post like the present petitioner and upon perusal of their original application forms it transpires very clearly that they had filled up form marking 'Yes' in front of column O-Level certificate. The form of present petitioner, Alok Tiwari has also been produced in original that shows that he filled up the column by marking 'No' and that is why his O-Level certificate, may be of equivalence, was not referred to the expert committee and he was held to be not possessing requisite qualification.

3. Counsel for the petitioner sought to urge that it was not described as to when the candidate has to possess O-Level certificate and even if petitioner did not put up the tick mark, the certificate of equivalence would be given weightage.

4. Since averments made in paras 23 and 24 of the writ petition stood falsified from perusal of the original documents like application forms placed before the Court as per last direction issued by the Court, I do not find any merit in the submission so advanced. The defence taken by the petitioner that since he did not possess O-Level certificate from the institution concerned, he could not disclose it as that would have amounted to misinformation to the Public Service Commission and, therefore, his form would have been rejected on that ground, does not appeal to reason in the given facts and circumstances of the case where petitioner could have shown to have possessed O-Level certificate or may be an equivalent certificate.

5. Before parting with the matter, I may observe that if a candidate does not fill up the relevant column which requires requisite qualification to be mentioned or marked, such a candidate subsequently cannot complain of his candidature not being accorded consideration.

6. Petition is, accordingly, dismissed.

7. Original records are returned to learned counsel for the respondent-Public Service Commission.

Order Date :- 1.12.2023

P Kesari