

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.157 of 2025

Smt. Mousumi Sen

D/O- Sri Swapan Sen of Dulucherra, North Jolaibari,
P.O- Jolaibari, District- South Tripura

.....Petitioner(s)

- V e r s u s -

- 1. The Union of India**
represented by the Ministry of Home Affairs,
Government of India.
- 2. The Secretary,**
Staff Selection Commission,
Block No.12, CGO Complex, Lodhi Road, Near JLN
Stadium, New Delhi, Delhi-110091
- 3. Staff Selection Commission,**
represented by Chairman, Block No.12, CGO
Complex, Lodhi Road, Near JLN Stadium, New Delhi,
Delhi-110091.
- 4. North Eastern Regional Office,**
Staff Selection Commission, Gauhati, represented by
Regional Director, Housefed Complex, West End
Block, Last Gate- Basistha Road, P.O. Assam
Sachivalaya, Dispur, Gauhati-781006.
- 5. Director General,**
CRPF (Central Reserve Police Force) (Recruitment
Branch) East Block -07, Level-4, Sector-01, R.K.
Puram, New Delhi-110066 (Ministry of Home Affairs).
- 6. Presiding Officer,**
DV/DME Board of CT(GD) Exam-2022, Office at-
Office of the Deputy Inspector General, Border
Security Force, Salbagan, Pin-799006, Agartala,
West Tripura.
- 7. The Director General,**
CRPF (Central Reserve Police Force), G.S. Road (9th
Mile, Amerigog, Guwahati, Assam, Pin-781023.
- 8. The Inspector General,**
Tripura Sector, CRPF, Agartala.

..... Respondent(s)

For the Petitioner (s)

:

Ms. R. Purkayastha, Adv.

For the Respondent (s)

:

Mr. B. Majumder, Dy. SGI

Date of hearing and delivery of Judgment & Order

:

18.08.2025

Whether fit for reporting

:

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner and Mr. B. Majumder, learned Deputy SGI appearing for the respondents.

[2] The petitioner earlier filed a writ petition bearing No. W.P.(C) No.557 of 2023 asserting that she had participated as a UR female category candidate bearing Roll No.5601011613 in a selection process for recruitment to the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Central Bureau against the advertisement published in the month of October, 2022 [Annexure-A of the writ petition]. The petitioner applied against both State wise category [category code-33] and Border Guarding District category [Sl. No.86-93] and thereafter, successfully qualified the computer based examination scoring 57.44 marks. Thereafter, she also qualified the physical efficiency test and physical standard test. But at the time of document verification, it was detected that wrongly, her date of birth was mentioned as 10.10.1999 in place of correct date of birth 10.07.1999 in the online application form. It is asserted by the petitioner that on detection of such a wrong entry,

the respondents asked her to submit an affidavit in respect of her such mistake in recording her date of birth after completion of her medical examination and accordingly, allowed her to appear for the Detailed Medical Examination [DME] on 20.07.2023, wherein she was declared unfit on account of presence of red blood cells in her urine. Then she applied for Review Medical Examination [RME] and on re-examination, she was declared medically fit in the said RME. The petitioner also thereafter submitted her affidavit in respect of her date of birth to the respondents as per their instructions but unfortunately on 02.08.2023, she was handed over with one rejection slip issued by the respondent No.6 on the ground of mismatch in her date of birth. Thereafter, on 11.08.2023 she wrote/sent an email to the Secretary, Staff Selection Commission [the respondent No.2] narrating everything in details but despite the same, a notification dated 20.08.2023 had been issued by the Staff Selection Commission declaring the State wise, post wise and category wise vacancies and the filled up positions along with the final merit list.

[3] The petitioner also states that she learnt that 3[three] posts against UR category vacancy in the General District/State category [category code-G] in ITBP (category code-E) have been kept vacant but despite the same, the petitioner has not been favoured with any job. Thereafter, the petitioner submitted another representation on 21.08.2023 to the respondent No.7 which went unresponded.

[4] The petitioner after that filed the writ petition before this Court bearing No. W.P.(C) No.557 of 2023 for quashing of said merit list, and after hearing both the parties, the Coordinate Bench of this Court [Bench of Hon'ble the Chief Justice] disposed of the matter vide order dated 06.09.2023 *inter alia* in the following terms:

7. It, therefore, appears to the Court that the respondents should consider the representation of the petitioner in accordance with law taking into account the fact that the educational certificate and all other certificates named above showing date of birth entry do not have a mismatch except that the mismatch is in the month of the date of birth entry i.e. October (10-10-99) instead of July (10-07-99) in her online application. It also need to be kept in mind that such candidates belongs to interior areas of states like Tripura in the northeastern region and may not have the proper assistance in submission of such online applications invited by the recruiting agencies. In case the respondents are satisfied that the error in the month of her date of birth entry in the online application is inadvertent and otherwise all admissible documents such as educational certificates of Madhyamik Examination, PRTC, Aadhaar Card, etc. show the same correct date of birth i.e. 10.07.1999, the competent authority/respondent No.5 should consider her sympathetically. Let such consideration be made on the representation of the petitioner within a period of 6(six) weeks from the date of receipt of the copy of this order.

[5] After said order was passed by this Court, the respondent No.8 rejected her representation by office order dated 30.09.2024 (Annexure-L of the writ petition). Purposefully, the entire contents of the said office order are extracted hereunder:

OFFICE ORDER

Advertisement for recruitment of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Central Bureau Examination, 2022 was published by Staff Selection Commission (SSC), New Delhi vide advertisement No. F.No. PPI01/11/2022 PP_1. As per para 8 of the recruitment Notice, Smt. Mousumi Sen D/o Shri Swapn Sen, Village:- North Jolaibari, P.O: Jolnibari, PS-

Baikhora, Sub Division:- Santir Bazar, District: South Tripura, Tripura had filled up her application online being Registration No.10002013616 on 29/11/2022 with a declaration as quoted below:-

1. I have read the notice of the examination and accept all the terms & conditions of the notice of the examination.

2. I hereby declare that all statements made in this application are true, complete and correct to the best of my knowledge and belief. I understand that in the event of any information being found suppressed/false or incorrect or ineligibility being detected before or after the examination, my candidature/appointment is liable to be cancelled. I am willing to serve anywhere in India.

3. I declare that the photograph uploaded in the application form has been taken on or after the stipulated dated.

4. I agree to authorize SSC to use my Aadhar data for verification purpose.

2. She filled up her Date of Birth in the online application form as 10/10/1999. Accordingly Roll No.5601011613 was allocated to her and admit card was issued by SSC. She appeared in Computer Based Examination and secured 57.44712 marks. She also qualified in Physical Standard Test (PST) and Physical Efficiency Test (PET). At the time of verification of the documents, her Date of Birth was found mismatch. Accordingly her Rejection Slip was issued on 02/08/2023 by the Presiding Officer of DV/DME Board of CT(GD) Examination 2022. In this regard provisions contained in para 19(9) of the Notice of Examination is re-produced as under:-

"The candidates must write their name, date of birth, father's name and mother's name as given in the matriculation certificate otherwise their candidature may be cancelled at the time of Document Verification or as and when it comes into the notice of the Commission."

3. Aggrieved with the decision regarding rejection of her candidature due to mismatch in Date of Birth she filed WP(C) No.557/2023 before the Hon'ble High Court of Tripura, Agartala on 29/08/2023, Hon'ble High Court of Tripura, Agartala passed the orders on the matter on 06/09/2023. The operative part of the order is as under:-

"It, therefore, appears to the Court that the respondents should consider the representation of the petitioner in accordance with law taking into account the fact that the educational certificate and all other certificates named above showing date of birth entry do not have a mismatch except that the mismatch is in the month of date of birth entry i.e. October (10-10-99) instead of July (10-07-99] in her online application. It also need to be kept in mind that such candidates belongs to interior areas of states like Tripura in the north eastern region and may not have the proper assistance in submission of

such online applications invited by the recruiting agencies. In case the respondents are satisfied that the error in the month of her date of birth entry in the online application is inadvertent and otherwise all admissible documents such as educational certificates of Madhyamik Examination, PRTC, Aadhaar Card, etc. show the same correct date of birth i.e. 10.07.1999, the competent authority/respondent No. 5 should consider her sympathetically. Let such consideration be made on the representation of the petitioner within a period of 6 (Six) weeks from the date of receipt of the copy of this order.

4. As stated in the WP(C) No, 557/2023 filed by Smt. Mousumi Sen she had sent an application on 11/08/2023 through E-mail to the Secretary, SSC Board, Block No.12, CGO Complex, Lodhi Road, New Delhi-110003. As stated in the said petition she also sent an application dated 21/08/2023 to the DG, CRPF, G.S. Road, 9 Mile, CRPF, Amerigog, Guwahati, Assam stating that she mistakenly entered her date of birth as 10/10/1999 instead of 10/07/1999.

5. After enquiring the matter regarding the disposal representation/application submitted by her outcome emerged as under:

(i) RRC, GC, CRPF, Guwahati, 9th Mile, Guwahati vide their office Signal No. R.II 1/2023-RRC-Gty dated 27/07/2024 intimated that application of candidate addressed to DG, CRPF, Guwahati not received by their office.

(ii) SSC HQ New Delhi vide letter No. HQ-PP106/7/2023-PP_1 (E-7455) dated 27/08/2024 has intimated to draw attention to Para 8.6 and Para 19(14) of the Notice of the Examination which reads as follows:-

"Before submission of the final online application, candidates must check that they have filled the correct details in each field of the form. After submission of the final Online Application Form, no change/correction/modification will be allowed under any circumstances. Requests received in this regard in any form like Post. Fax, E-mail, by hand etc. shall not be entertained by the Commission and will be summarily rejected".

6. Thus candidature of Smt. Mousumi Sen (Roll No.5601011613) rejected rightly in consonance with the existing instructions and rules as per the Advertisement Notice F.No.PPI01/11/2022-PP_1 issued by GOI, Ministry of Personnel, Public Grievances and Pension, DoPT, SSC, Block No. 12. CGO Complex, Lodhi Road, New Delhi-110003.

[6] Ms. Purkayastha, learned counsel for the petitioner submits that the petitioner thereafter filed one contempt petition

before this Court for non-compliance of the direction of this Court passed in the earlier writ petition, and the said contempt case bearing No. Cont. Cas (C) No.44 of 2024 was disposed of by this Court on 04.10.2024 with the following observations:

[5] This Court upon consideration of rival submissions of the parties and after going through the affidavit in opposition is of the considered view that the respondents have issued an office order rejecting the candidature of the petitioner on certain grounds. The merits of the rejection order cannot be gone into in contempt jurisdiction.

[6] Accordingly, the instant petition is disposed of. Pending application(s), if any, shall also stand disposed of. Petitioner may have liberty to assail the order in an appropriate proceeding.

[7] According to Ms. Purkayastha, learned counsel, in terms of the order of the said contempt case, the present writ petition is filed. Ms. Purkayastha, learned counsel also strenuously argues that despite the specific order passed by the High Court in the said case, directing the respondents to consider whether such mistake in the month of the petitioner's date of birth in the online application was inadvertent or not. The same was not at all considered by the respondents, notwithstanding the fact that the Court specifically directed the competent authorities, the respondent No.5, to consider the case of the petitioner sympathetically. Ms. Purkayastha, learned counsel, therefore, urges the Court to cancel the said merit list, and direct the respondents to provide the petitioner a job for the post of constable (GD female). Learned counsel also urges for quashing the said office order dated 30.09.2024 issued by the respondent No.8.

[8] Mr. B. Majumder, learned Dy. SGI appearing for the respondents however, emphatically submits that the representation of the petitioner was rejected by the respondent No.8 by an exhaustive and reasoned order and therefore, no interference is required in this regard. Learned Dy. SGI also submits that as per the said terms and conditions of the advertisement, the petitioner was under obligation to write her name, date of birth and fathers name etc. as given in the matriculation certificate, otherwise the same would be cancelled at the time of document verification or as and when it came to the notice of the commission but despite the same, there has been mismatch between the date of birth as mentioned in her personal documents and also in her online application and therefore, her candidature was rightly rejected by the respondents. In this regard, learned Dy. SGI also relies on a decision of the Hon'ble Apex Court in a case of **Yogesh Kumar and others vs. Govt. of NCT, Delhi and others, (2003) 3 SCC 548**, wherein at Para-8 it was observed that recruitment to public services should be held strictly in accordance with the terms of advertisement and the recruitment rules, if any, as deviation therefrom the rules allows entry to ineligible persons and deprives many other who could have competed for the post.

[9] In that case, the petitioner contended that in the related advertisement for recruitment, in Clause B (ii), the criteria mentioned was one year's teachers training certificate from a recognised institution but, as such certificate was not granted

anywhere, the petitioner claimed that the aforesaid qualification should be treated to be to mean to indicate BEd degree which is also a one-year teacher's training course after graduation. In that contexts, such observation was made by the Hon'ble Supreme Court.

[10] Mr. Majumder, learned Dy. SGI further refers another decision of the Hon'ble Apex Court in a case of **Bedanga Talukdar vs. Saifudaullah Khan and others, (2011) 12 SCC 85**, wherein it was observed that the selection process has to be conducted strictly in accordance with the stipulated selection procedure and consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained and there cannot be any relaxation in terms and conditions of the advertisement unless such power is specifically reserved.

[11] Lastly, Mr. Majumder, learned Dy. SGI relies another decision of Delhi High Court in a case of **Rohit Kumar and another vs. Union of India and others, 2022 SCC OnLine Delhi 1219**. The relevant Paragraph No.17 is extracted hereunder:

17. We are of the judicial opinion that the conditions imposed by the respondents for recruitment to the post of Navik (DB) as per clauses 5(c)(i) which provides that all the information provided in the online application has to match with all the original documents including caste certificate and any inconsistency in the documents and application including caste certificate will lead to failure in document verification and the candidature will be cancelled and Clause 6(c)(v) Note (aaa) which provides that OBC(Non creamy layer) Certificate of candidates should be as per the format for appointment for post under the Govt. of India and any other format would lead to cancellation of candidature and format of OBC (Non Creamy) are cannot be regarded as unreasonable and arbitrary. The Advertisement does not prescribe any relaxation from prescribed conditions. These conditions

were well in knowledge of petitioner when he submitted online application for post of Navik (DB). The format of OBC (Non-Creamy Layer) certificate was also available on website of Indian Coast Guard. The petitioner has not submitted OBC certificate in the format as prescribed and provided in the Advertisement. The petitioner also did not mention date of issuance of OBC Certificate as per requirement of Advertisement. These were the mandatory conditions which the petitioner was required to comply with but has failed to comply with at the time of online submission of the application for the post of Navik (DB) and in subsequent selection process. These conditions were equally applicable to all potential candidates without any discrimination and favoritism. The petitioner did not challenge original advertisement and also participated in selection process. The respondents also considered the representation dated 30.11.2021 and as such the petitioner was given due opportunity of being heard.

[12] In that case, the petitioner's candidatures was rejected on that ground that he did not submit the OBC certificate in the format as prescribed and provided in the advertisement.

[13] Keeping in mind, the submissions made by the learned counsel of both sides and also on perusal of the records, it appears that the contention of the present respondents regarding violation of Clause-8.6 of the advertisement by the petitioner was dealt with by the Court in said previous litigation and after considering all aspects, this Court directed the respondents to consider the representation of the petitioner in accordance with law taking into consideration the fact that educational certificate and all other certificates named in the earlier or the judgment showing the date of birth entry, did not have a mismatched except the mismatch in the month of the date of birth of the entry i.e. October instead of July in her online application. The Court also emphasised the fact that the petitioner belongs to interior areas of States like Tripura in the North-eastern region and might not have the proper assistance

in submission of such online applications. Therefore, the Court directed the respondents to examine whether the error in mentioning the month of her date of birth in the online application was inadvertent or and also examine the case of the petitioner and in case the respondents are satisfied that the error in the month of her date of birth entry in the online application was inadvertent and otherwise, all admissible documents, such as educational certificate of Madhyamik Examination, PRTC, Aadhar Card etc. showed the correct date of birth i.e. 10.07.1999, in that case the competent authority, the respondent No.5, should consider the case of the petitioner sympathetically. But what appears from the correspondence made through said office order dated 30.09.2024 that the respondent No.8 without giving least consideration to what the Court directed, has rejected the candidature of the petitioner referring to Clause 8.6 and Clause 19(14) of the advertisement that before filing of the application the candidates must check that they have filled up the correct details in each field of the form and after submission of online application form, no change/correction/modification would be allowed under any circumstances.

[14] When the Court taking note of all factors as well as the terms and conditions of the said recruitment procedure, has given a specific direction, to consider the case of the petitioner, on a different perspective, the respondents have no authority to reject the candidature of the petitioner assigning a different reason. The

respondents cannot sit over the decision of the Court and decide the matter in another form deviating from what the Court has asked them to do. Consequently, the office order dated 30.09.2024 issued by the respondent No.8 is quashed. The respondent No.5 is again directed to strictly comply with the direction of the Court's order dated 06.09.2023 passed by the Coordinate Bench of this Court in W.P.(C) No.557 of 2023 in letter and spirit.

[15] Rejection of the candidature of the petitioner on any other grounds without following the directions passed in said W.P.(C) No.557 of 2023 on 06.09.2023 or passed by this Court in the present judgment, may be interpreted as a deliberate violation of the Court's order.

With such observation and direction, the writ petition stands allowed and disposed of.

Interim application(s), if any, also stands disposed of.

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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