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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: July 11, 2016

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W.P.(C) 5995/2015

VIJAY KUMAR SONI AND ANR.

..... Petitioners

Represented by: Mr.Kanwar Anand Singh, Advocate
with Mr.Anil K.Aggarwal, Advocate

versus

STAFF SELECTION COMMISSION AND ANR.

..... Respondents

Represented by: Mr.Sandeep Mahapatra, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J. (Oral)

1. On December 15, 2012 applications were invited from eligible candidates to be appointed as Constable (GD) in Central Armed Paramilitary Forces and as a Rifleman (GD) in Assam Rifles.
2. The notice inviting applications clearly indicated to the applicants that they were to opt for the State in quota whereof appointment was to be sought for with reference to their domicile. The petitioners who are domiciled in Rajasthan applied seeking reservation as OBC candidates but opted for exam centre in the State of Andhra Pradesh and Karnataka respectively. They gave their options for the relevant Central Paramilitary Force to which they wish to be appointed. Both produced domicile certificates issued by the competent authority in the State of Rajasthan, but

filled up State Category Code for Andhra Pradesh and Karnataka respectively.

3. Notwithstanding the petitioners filling up State Category Andhra Pradesh and Karnataka respectively, since domicile certificate filed by them evinced that they were domiciled in the State of Rajasthan, they were treated as candidates from Rajasthan. Needless to state keeping in view the marks obtained, pertaining to OBC candidate of State of Rajasthan, the two were not offered employment because their marks were lower than the last empanelled candidate in the OBC category pertaining to the State of Rajasthan
4. Grievance of the petitioners is that one Mahaveer Singh, despite being domiciled in Rajasthan was given employment pertaining to the quota for the State of Karnataka, because he had opted for an examination centre in Karnataka, an error which the respondents admit but explained as a mistake and rectified. The petitioners also give illustrations of Veerendra Gurjar, Ranjeet Manda and Raju Gena, in respect of whom the respondents admit having committed a mistake but rectified the same.
5. The petitioners claim parity with the persons named above on the plea that relaxation in domicile was granted to them and as against the State quota of the State where said persons were domiciled, were given appointment in the State quota where the said candidates opted to sit at the examination.
6. Concededly, the policy does not envisage any relaxation in domicile. The wrong committed by the respondents has been admitted and rectified as per the counter affidavit filed. Thus, claim of the petitioners for parity fails on facts.

7. That apart, it is settled law that there cannot be any parity in a wrong. A wrong benefit given to one person cannot form the basis of a claim for similar wrong benefit to be extended to another.
8. The writ petition is accordingly dismissed in limine but with a direction to the respondent to re-check the dossier of all candidates who availed reservation benefit and to ensure that reservation benefit claim on the strength of domicile in a particular State be not extended to domicile in another State notwithstanding the fact that a candidate opted for examination centre in a particular State.
9. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JULY 11, 2016
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