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

+ **W.P.(C) 3827/2021**

MS. DIVYA

..... Petitioner

Through: **Mr. Suhail Shah, Advocate**

versus

STAFF SELECTION COMMISSION & ORS. Respondent

Through: **Mr. Jitesh Vikram Srivastav, SPC,
Mr. Prajesh V.S., Advocate**

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Date of Decision: 23rd March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

C.M. Appl. No. 11523/2021 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P. (C) No. 3827/2021 & C.M. Appl. No. 11522/2021 (Stay)

1. Present writ petition has been filed seeking issuance of directions to respondents to rectify petitioner's Form for Staff Selection Commission (for recruitment of Sub- Inspector in Delhi Police, CAPFs and Assistant Sub-Inspector in CISF) dated 13th March, 2018 by changing her category from "UR" to "OBC". Petitioner also prays that the

publication/declaration of final recruitment result be stayed till the disposal of the present writ petition.

2. Learned counsel for the petitioner states that the petitioner had applied pursuant to SSC recruitment notification dated 3rd March, 2018 and thereafter qualified all the Stages of Mode of Selection as per Column no. 12 of the Recruitment Notification and has finally been shortlisted after clearing Medical Test to appear for document verification.

3. He contends that while filling out the form, the petitioner had inadvertently made a clerical mistake and not mentioned her caste in the form. He states that the petitioner belongs to the OBC category and is entitled to all relaxation/reservation benefits during recruitment and for the same, the petitioner has OBC Certificate dated 7th October, 2014 issued by Government of NCT of Delhi.

4. He emphasizes that respondent no.1 cannot deny the caste benefits/relaxations to the petitioner on account of a clerical mistake.

5. Having perused the paper book, this Court finds that the petitioner had filled up an online application form in which she had mentioned her category as “UR” i.e. Unreserved. It is not the petitioner’s case that the said category had been left blank and in default, the said category had been filled up.

6. Further, the petitioner had agreed to abide by the declaration mentioned at the bottom of the application form, which reads as under:-

“Declaration

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 examination, my candidature/appointment is liable to be cancelled.”

(Emphasis supplied)

7. Consequently, if the submission of learned counsel for the petitioner is accepted then it would amount to an admission that incorrect information had been mentioned by the candidate in the application form, which can result in cancellation of her candidature.

8. Also as the petitioner is stated to be twenty six years old, this Court assumes that this is not the first application form the petitioner had filled up. As the petitioner has consciously filled up the form and mentioned her category as “UR” in the examination form, she cannot now contend that she be considered as an “OBC” candidate.

9. This Court is of the opinion that if the petitioner is now allowed to modify the form, it would delay the declaration of the result and would result in penalising the rest of the applicants who have committed no mistake or error.

10. For the aforesaid reasons, the present writ petition being bereft of merit is dismissed. It is clarified that the petitioner shall be considered as a candidate belonging to the General/Unreserved category.

MANMOHAN, J

ASHA MENON, J

MARCH 23, 2021
Pkb/KA