

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10824 of 2022

Abhishek Kumar, aged about 20 years, male, S/o Lalan Roy, R/o Darihara
Chatarbhuj, P.O. - Darihara, P.S. - Sonapur, District - Saran.

... .. Petitioner

Versus

1. The Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Director General, Indian Coast Guard, New Delhi.
3. The Deputy Director General (Recruitment) Indian Coast Guard, Noida,
Uttar Pradesh.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Singh with Mr. Praveen Ranjan, Advocates
For the UOI	:	Mr. Pradeep Kumar with Ms. Priyanka Raj Laxmi, Sr. Panel counsel.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-11-2022

Heard learned counsel for the petitioner and learned
counsel for the respondent-Union of India.

2. A supplementary counter affidavit (hard copy) has
been filed which is taken on record.

3. The petitioner has participated in the process of
selection conducted for appointment of Navik (GD). The petitioner
has been declared successful at the Stage-I (written Test) and
forwarded for being subjected to physical Test (Stage -II). At this
stage, documents are also verified. During this process, it emerged
that the petitioner has filled up his application form by writing his
father's name as 'Lalan Roy'. The O.B.C. certificate, in support of
his claim for reservation, shows the petitioner's father name as



‘Lalan Ray’. It is this mismatch in petitioner’s father name which had led to his ouster from the process of selection.

4. Petitioner’s counsel submits that the same is a trivial mistake and inconsequential. In view of the mistake being apparent, the petitioner should not have been ousted from the process of selection as the petitioner’s identity with reference to his father’s name could have been ascertained during verification at the later stage of the recruitment procedure by the Authority issuing the certificate.

5. The learned counsel for the Union of India, on the other hand, submits that all candidates were sensitized regarding maintaining strict vigil and diligence while filling up the application forms. The general instructions issued to the candidates, in fact, contained examples of such mismatch, as has occurred in the instant case, to be one of the common reasons for rejection of candidature. Others, who have committed similar mistake, have also been rejected as has been stated in paragraph No. 8 of the counter affidavit filed by the Union of India. It is, thus, submitted that in view of the admitted mistake/mismatch in petitioner’s father name and the same being a valid basis for rejection under the terms of Advertisement and general instructions issued to the candidates, the petitioner cannot claim



the mismatch/mistake be ignored, as trivial as it may be. It is further submitted that process of selection now has advanced. The candidates after Stage-III have already been sent for training in August, 2022.

6. On consideration of the rival submission, this Court would find that the submission of the learned counsel for the Union of India is correct with reference to the terms and condition of the Advertisement and general instructions issued for filling up of application forms. The same specifically warrants strict vigil and diligence at the stage of filling up of application forms and contains a clause that if the name of the candidate in the application is not as per the educational certificates/ vote ID card or the caste certificate, then the same would be a reason for rejection of the candidature during document verification. The petitioner, admittedly, has committed a mistake leading to a mismatch in his father's name between that entered by him in his application with that which is written on the O.B.C. certificate. Therefore, this Court, having regard to the fact that other similarly situated as the petitioner have also been rejected, would find that the petitioner has no case for claiming that the mistake /mismatch be overlooked/ignored in the process of selection. If this Court were to direct that such mistake be ignored then a



candidate who has not committed any such mistake in the process of selection would now be required to make way to accommodate the petitioner which would be a totally inequitable circumstance. No case is made out.

7. The writ application stands dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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