

28.11.2022
Item No. 06
Crt.No.11
b.r.

MAT 88 of 2022
with
IA No. CAN 1 of 2022, CAN 2 of 2022

Biswajit Das
-vs-
The Union of India & Ors.

Mr. Debanik Banerjee
Mr. Steven Souradip Biswas
Mr. Akash Ganguly
Mr. Aniruddha Ganguly
..... for the appellant.

Mr. Debapriya Gupta
..... for the Respondents.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The writ petitioner is the appellant before this Court.

The appellant applied for the post of General Duty Constable with the Central Reserve Police Force(C.R.P.F). The appellant was selected and sent for Detailed Medical Examination (DME) and Dossier Verification (for short DV).

At the DME and DV stage, the Recruiting Authority, C.R.P.F discovered that the appellant had incorrectly filled up his Domicile Status in the Online Form.

The appellant had stated North 24-Parganas as to be his Domicile Status and, upon verification it was

discovered that the appellant's Domicile Status Certificate mentions to Kolkata and, not North 24-Parganas.

Mr. Debanik Banerjee, learned Counsel appearing for the appellant, draws the attention of this Court to Paragraph-7 of the Report of the C.R.P.F./respondents filed before this Court in terms of the earlier orders of the Hon'ble Court. Learned Counsel submits that the appellant does not intend to take any Exception to the Report of the respondents and the matter can be argued on the basis of existing materials.

It is submitted on the basis of Paragraph-7(*supra*) that the ultimate selection of the appellant, irrespective of mismatch in the Domicile Declaration, will not be affected since, on the basis of his performance in the selection test and his position in the merit list, the appellant was eligible for selection both for North 24-Parganas and Kolkata which are not militancy affected areas.

Mr. Gupta, learned Counsel appearing for the respondents, heavily relies on the rules of the selection and draws the attention of this Court to the Instructions issued by the Recruiting Authority to candidates which states that mismatch in the Domicile Declaration shall be treated seriously resulting in cancellation of the candidature forthwith. It is submitted that the

appellant, as also all other similarly placed candidates, were presumed to have been totally aware of the Instructions to the candidates issued by the Recruiting Authority including, the Instruction under Rule 17 of the Notice of Examination to the effect that mismatch in declaring the Domicile Status shall result in cancellation of candidature forthwith. It is submitted that the appointment granted to the appellant was provisional and hence liable to be cancelled forthwith on discovery of the Domicile mismatch.

It is the stand of the respondents that although the appellant was permitted to participate in the DME, the verification at the DV stage leading to discovery of mismatch led to consequential penal steps as provided by the Rules of Recruitment/Instructions against the appellant and at par with similarly placed candidates who committed the same default.

Having closely heard the parties and considering the materials placed, this Court is *ad idem* with the submissions advanced by learned Counsel for the respondents. It is trite that Equity must follow the Law. This Court is further conscious of the fact that a floodgate of litigation would be opened in the event, the Rules be tweaked in respect of a single candidate.

This Court cannot also intervene in an administrative domain when such decision-making

process is not shown to be perverse or guided by personal malice.

In the backdrop of the above discussion, this Court is unable to extend any relief to the appellant.

IA No. CAN 1 of 2022 and CAN 2 of 2022 stand accordingly **dismissed**.

With the dismissal of the application (*supra*) nothing survives in the appeal, and hence **MAT 88 of 2022** stands also **dismissed**.

Since Affidavits are not invited, allegations to the contrary are deemed to be denied and disputed.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Supratim Bhattacharya, J. (Subrata Talukdar, J.)