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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6850 of 2022

Snehasis Mitra
Vs.
Union of India & Ors.

Mr. Biswajib Ghosh,
Mr. Sounak Bhattacharya,
Mr. Sumatava Chakraborty,
Mr. Sounak Mondal
... For the petitioner.

Mr. Anirban Mitra
... For the respondents.

Affidavit of service filed in Court today is taken on record.

The petitioner submitted his candidature pursuant to a notice for holding Combined Graduate Level Examination, 2021, which was published by Ministry of Personnel, Public Grievances & Pensions, Department of Personal and Training, Staff Selection Commission (in short, SSC) on 23rd December, 2021.

In the subject notice, under Clause 9, the procedure “How to apply” was specified. In Clause 9.2, the specification of the photograph to be used in the online application form was clearly stated. The photograph had to be without cap, spectacles and both ears should be visible.

The petitioner submitted his online application with a photograph with spectacles. In Clause 9.3 of the

advertisement it is clearly stated if proper photograph is not uploaded by a candidate, his candidature will be cancelled. The specimens of photographs which are acceptable and those which are not acceptable are given in Annexure –V of the said advertisement. The petitioner's candidature was rejected by stating that the application is incomplete. It was also notified that "application photograph with spectacles" was the reason for rejection of petitioner's candidature.

The petitioner has challenged this rejection citing certain reasons.

The law is well-settled in this context. If the selection process speaks of a particular procedure to be applied for a candidate to submit his/her candidature the candidate has to abide by such specifications. In the instant case, photograph without spectacles was clearly mentioned and the petitioner having submitted a photograph with spectacles cannot now complain of his candidature being rejected.

That apart and in any event, SSC had in their website uploaded an important notice under the nomenclature "Window for Application Form Correction". A print out of such notice is made over to the Court by the learned advocate appearing for SCC. The same is taken on record.

This window was available to a candidate for correction of mistake in the form from 28th January, 2022

to 1st February, 2022. The said notice allowed correction of mistake in the application form as also in the updated application form within the aforesaid period. The petitioner could have availed this opportunity if he had a doubt about the photograph submitted by him in the online application being with spectacles. The petitioner appears to have been sure that his photograph with spectacles, despite there being a specific prohibition thereto will be accepted. The petitioner, therefor, never thought of either checking the website of SSC or applying for correction. Even though the petitioner complains of that the rejection on the ground of photograph was not made known to him prior to the notice but the conduct of the petitioner, as stated hereinabove disentitles him for any further opportunity to correct his application form by providing a photograph without spectacles. There is also no provision in the selection procedure for personal intimation as to rejection. The rejection with reasons are uploaded in the website. The petitioner, therefor, cannot have any grievance on this count.

The examination is scheduled to commence from today. Since I have disallowed the petitioner's prayer, in view of the findings as aforesaid, there is no reason to keep the writ petition pending. The writ petition is dismissed, however, without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been

admitted by the respondents.

(Arindam Mukherjee, J.)