

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.11955 OF 2022

VISHWAMBHAR KESHAV BHOSALE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER

.....
Advocate for Petitioner : Mr. Maniyar Irfan D
Advocate for Respondents : Mr. P.N. Patale
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th NOVEMBER, 2022.**

PER COURT :-

1. The petitioner has put forth prayer clauses B, C and D as under:-

- “B. By issuing writ of mandamus or any other appropriate writ or order or direction in like nature the impugned order dated 23.11.2022 passed by respondent No.2 which is received through E-mail thereby the application form of the petitioner is rejected in respect of Staff Selection Examination which held on December 2022 may kindly be quashed and set aside.
- C. By issuing writ of mandamus or any other appropriate writ or order or direction in like nature the respondents may kindly be directed to accept the examination form by removing the deficiencies and allow to appear Staff Selection Examination which held on December 2022.
- D. Pending hearing and final disposal of this petition the respondents may kindly be directed to accept the examination form by removing the deficiencies and allow to appear Staff

Selection Examination which held on December 2022.”

2. We have considered the strenuous submissions of the learned advocate for the petitioner, the learned Standing Counsel for the Union of India on behalf of the respondents. We have noted the vehement objections of the learned Standing Counsel, who has opposed this petition tooth and nail. His contention is that it is the petitioner, who can be blamed for uploading the defective photograph thereby violating the Rules. He prays for dismissal of this petition with imposition of costs. In addition, he submits that, if this petition is entertained, there would be many other similarly situated students, who may have uploaded defective photographs on the application for registration. All of them would approach the respondents and seek similar relief.

3. The petitioner had applied pursuant to the advertisement in relation to Staff Selection Commission Combined Graduate Level Examination, 2022. He registered himself for filing an application. He uploaded his application with registration No 50005847348. After going through the Rules, that were made applicable by way of notice uploaded on the website of the Commission dated 17.9.2022, he is also aware of annexure V which indicates the specimen of those photographs that would not be acceptable. The said annexure also contains the acceptable photographs. Since he uses glasses, which has a number, that he got himself photographed with glasses and

uploaded the same as a part of his application. Thereafter, the Commission released his admit card status on its website on 23.11.2022 and intimated him that his form was rejected due to invalid photograph.

4. The learned advocate representing the respondents specifically draws our attention to the admission norms and more particularly, clause 9.3 and annexure V, which deals with the blurred photograph. He submits that as the photograph of the petitioner was blurred and was unacceptable as per the Rules, the Commission had no option but to reject his form.

5. The learned advocate for the respondents, on a query raised by us, took instructions and submits on instructions that the Staff Selection Examination 2022, is scheduled in the entire country, between 01.12.2022 to 13.12.2022. The examination would be conducted online all over India. Though he was reluctant to release the dates on which the students from Aurangabad area would be appearing, on our insistence, it is informed that the students, whose forms have been admitted, would be appearing for the examination as per the slots that would be allotted to them, on 1st, 6th, 7th, 8th and 9th December, 2022. As such, the last candidate, whose form has been accepted would be appearing for the examination on 09.12.2022.

6. We have perused the copy of the application form of the petitioner, which is available on the internet. We find from the photograph as the petitioner has used spectacles, the Commission has raised an objection for the reason that the photograph should be without specs or goggles etc. Even if the student has high number or reading glasses, the photograph should be without specs. Apparently, the petitioner, who is 24 years old graduate, has apparently erred in using the photograph with spectacles. It is a lapse on his part. We do not find that he may have used the said photograph deliberately since he does not advance his case by using such photograph. It is purely an act of misjudgment that he used the said photograph.

7. In view of the above and since we do not find that the photograph is so blurred that it should lead to his disqualification and keeping in view that a young graduate intends to appear for the Staff Selection Examination, that we are considering this case sympathetically.

8. Hence, this petition is partly allowed. We direct respondent No.2 to make a portal available to the petitioner until 02.12.2022 up to 5.00 p.m. The petitioner be intimated accordingly. The petitioner shall upload a fresh form with a proper photograph within the time permitted by the respondents. The respondents shall thereafter issue an admit card online to the petitioner and since he would now

be registered, he would apparently be the last candidate from this region to appear for the examination and, therefore, his examination can be scheduled on 09.12.2022. This would also give sufficient time to the respondents to act upon the direction set out in this order.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/