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**IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 20.01.2022*****+ W.P.(C) 1144/2022 & CM 3302/2022****PRADEEP KUMAR**

..... Petitioner

Through

Ms.Tanya, Adv. for Mr.Ajit  
Kakkar, Adv.

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through

Ms.Talish Ray, Adv.  
Mr.R.Mathuria is present.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****HON'BLE MR. JUSTICE NAVIN CHAWLA****NAVIN CHAWLA, J. (Oral)**

The petition has been heard by way of video conferencing.

1. The present petition has been filed seeking setting aside of the disqualification of the candidature of the petitioner for recruitment in the Indian Coast Guard (in short, 'ICG') on account of supply of incorrect details at the time of filling out the application form. The petitioner further seeks directions to the respondents to consider the petitioner as 'qualified' and consider his candidature in further stages of the recruitment process for the ICG.
2. It is the case of the petitioner that pursuant to a notification issued by the ICG, the petitioner applied for the post of Navik (GD) in



the ICG. The petitioner, after clearing the Stage-I of the recruitment process, was directed to report on 16.11.2021 at Gandhinagar, Gujarat for Stage-II of the recruitment process. Stage-II of the recruitment process included a Physical Fitness Test and Document Verification. The petitioner reported to the assessment centre and was declared as 'pass' in Stage-II of the recruitment process as well.

3. The petitioner, however, later received an e-mail from the Recruitment Section, CGRHQ (NW), Gandhinagar on 24.11.2021 enclosing a show cause notice as to why petitioner be not failed in document verification for discrepancy of uploading self-photograph in place of the ID Proof (Aadhar Card) thereby not meeting the criteria as mentioned in para 5(B)(b) of CGEPT-01/2022 batch advertisement and para 14(b)(xxi) of the E-admit card.

4. The petitioner duly replied to the said show cause notice vide email dated 25.11.2021, enclosing therewith a copy of his Aadhar Card. However, on 29.11.2021, the petitioner received another email stating that his action of uploading the self-photograph in place of his ID Proof (Aadhar Card) was in violation of the criteria mentioned in Paragraph 5(B)(b) of the CGEPT-01/2022 batch advertisement as well as Paragraph 14(b)(xxi) of the E-Admit Card issued to the petitioner and that his candidature was cancelled.

5. The learned counsel for the petitioner submits that the petitioner had committed a *bona fide* mistake in uploading his self-photograph in place of the ID Proof (Aadhar card) accidentally and that no *mala fide* can be attributed to his action. She further submits that the accidental



uploading of the ID proof is only a mistake on the part of the petitioner as he does not stand to gain any advantage thereby. She submits that even the respondents had not pointed out this mistake in the previous stages of the recruitment process. The learned counsel for the petitioner states that if the same was such a grave error, the respondents ought to have rejected the application of the petitioner at nascent stages itself and not at such a critical juncture of the recruitment process. She further submits that at the time of document verification, the petitioner had produced his Aadhar Card before the authorities and the same was accepted and petitioner was declared 'pass'. The respondents are now estopped from challenging the qualification of the petitioner.

6. The learned counsel for the respondents, on the other hand, submits that allowing the petitioner to participate in further stages of the recruitment process, despite the mistake committed by him, would set a flawed precedent and lead to opening a floodgate of litigation where similarly-placed candidates would approach this Court seeking the same remedy. She submits that in light of the limited number of seats for the post of Navik (GD) in the ICG, it would be unfair to accommodate the petitioner over a candidate who duly and diligently followed the rules prescribed at the time of filling out the application form. She submits that 382 (three hundred eighty-two) candidates had failed at the Stage-II Document Verification stage during the same recruitment process for Navik (GD) in the ICG and no special concession can be given to the petitioner alone.



7. The learned counsel for the respondents submits that the merit list after Stage-II of the recruitment process has already been prepared and posted on the website of the ICG on 11.01.2022. She further submits that the candidates who had been short-listed have been asked to report to INS Chilka, Orissa on 12.02.2022 for their medical examination and necessary steps prior to commencement of training. She submits that therefore, the petitioner cannot be accommodated in the present recruitment process at this belated stage.

8. We have considered the submissions made by the learned counsels for both the parties.

9. Paragraph 5 of the CGNET 01/2022, which called for applications for the ICG as Navik (GD), Navik (Domestic Branch) and Yantrik states that a mismatch between the documents produced at the verification stage and the documents uploaded as part of the online application would result in cancellation of the candidature. The relevant portion is reproduced herewith:

*“5. **Selection Procedure.** The selection of recruits is based on an all India order of merit on their performance in Stage-I, II, III & IV (explained in detail below) and the number of vacancies available for the post. Clearing of Stage-I, II, III, IV and satisfactory performance in training is compulsory for recruitment in ICG. All candidates will be compulsorily subjected to biometric, photo identification and document verification during stage-I, II, III & IV of the selection procedure. The details of various stages are as follows: -*

XXXXX



(B) **Stage-II**. Based on the performance in the Computer Based Online Examination, a merit list will be prepared and e-admit card for stage-II will be issued as per the vacancies available and ratio decided by ICG. If the candidate is shortlisted for stage-II then he will be required to upload additional documents as mentioned at Para 6 (c) (iv) & Para 6 (c) (v). E-admit card for stage-II will not be generated till the additional documents are uploaded by the candidates within a time period as mentioned on ICG website. The duration of Stage – II will be from 1 to 2 days. Stage-II involves following test which are only qualifying in nature i.e. either Pass or Fail:-

xxxxx

(b) **Document Verification (Pass/Fail)**. All the information provided in the online application has to match with all the original documents like grade X/XII/ Diploma mark sheet/photo Identity card/caste certificate/individual subject and aggregate marks. Any inconsistency in all the documents and application with respect to “name, date of birth, parent’s name, percentage of marks, validity of documents, caste certificate details etc.” will lead to failure in document verification and the candidature will be cancelled. **The date of issue of all documents has to be the closing date of application or any date prior to closing date of application. The validity of all the uploaded documents has to be at least up to 30 Apr 22. In case of any mismatch of information provided in the application form, document uploaded (at online application stage-I and II) and original documents produced for physical verification at Stage-II than the candidature will be cancelled.”**

10. The E-Admit Card issued to the petitioner also highlighted the importance of photo identity document to be uploaded at the time of



application and mentioned in the E-admit card. The relevant clause is reproduced hereinbelow:-

***“Mandatory documents to be brought at the Exam Centre:-***

- (a) xxxx
- (b) Valid original Photo identity proof as submitted in application/mentioned in E-admit card.
- (c) xxxxx
- (d) xxxxxx

**Note:- Non submission of these documents will lead to cancellation of candidature & candidate will not be allowed to appear in the examination ”**

11. In spite of such clear warning, the petitioner was clearly negligent in uploading his self-photograph instead of his Photo identity proof with the application. The petitioner cannot claim any special equity only because such mistake went unnoticed at the earlier stage of the recruitment process and was noticed only at document verification stage {***Refer: T. Jayakumar v. A. Gopu & Anr, (2008) 9 SCC 403***}.

12. This Court, in its judgment dated 25.01.2010 in ***Union Public Service Commission vs. Govt. of NCT of Delhi & Ors., W.P. (C) 10058/2009***, held that no deviation from the terms and conditions of an advertisement and rules for the recruitment for a public office shall be permitted, as such deviation would result in gross injustice to the



other candidates. In the present case, as is evident from Paragraph 5(B)(b) of the CGNET 01/2022, any mismatch in the documents uploaded during the online application stage and original documents produced would lead to cancellation of candidature. We have been informed that candidature of 382 candidates was cancelled by the respondents at the stage of document verification. No exception can therefore, be made only for the petitioner. Granting relief to the petitioner may put the entire selection process in jeopardy and will make it an unending process.

13. This Court, in its judgment dated 01.02.2017 in ***Union Public Services Commission vs. Tarun Arora***, W.P. (C) 3003/2016 has held that while there is no strait jacket precept to balance the administrative difficulties that may arise as a result of rectifying a lapse, the Court would give precedence to the compelling difficulties which may arise upon considering the application. The relevant portion of the judgment is reproduced hereinbelow:

*“14. We appreciate and can understand the frustration of the respondent as he has the requisite qualifications, yet would suffer for the lapse and error on his part in filling the online application form. At the same time, to accept the plea of the respondent in the present case would lay down the wrong precedent, which would lay the foundation for administrative confusion and chaos. The selection process would halt, get stalled, and would possibly collapse.*

*15. The Courts, while examining such issues have to maintain a right balance between the mistake and chance to rectify the lapse, and the administrative difficulties and consequences. Administrative difficulties, thus, should be balanced with the adverse impact befalling the candidate. A strait jacket precept*



*may not be universally applicable. The nature of the selection process, the terms stipulated, whether the rectification and amendment would make the selection process unyielding and unmanageable, are different facets which must be considered. Where the application forms are vague and unclear, the benefit must and should be given to the applicant.*

*16. In the present case, the administrative difficulties which are compelling must be given primacy, for otherwise the selection process would be impeded, become disorderly and crumble. The present case does not warrant indulgence and concession to the respondent.”*

14. The respondents have stated that the merit list after Stage-II of the recruitment process has already been prepared and posted on the website of the ICG on 11.01.2022; the candidates who have been short-listed, have been asked to report to INS Chilka, Orissa on 12.02.2022 for their medical examination and necessary steps prior to commencement of training. In view of the above development, allowing relief to the petitioner would result in reopening the Merit List and the entire selection process, which for the admitted fault of the petitioner himself; the respondents and other candidates cannot be subjected to.

15. In view of the above, we find no merit in the present petition, the same is dismissed. There shall be no order as to cost.

**NAVIN CHAWLA, J**

**MANMOHAN, J**

**JANUARY 20, 2022/AB**