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IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: March 29th, 2022******Decided on: April 26, 2022*****+ W.P.(C) 15051/2021****ROHIT KUMAR****..... Petitioner****Through: Mr. M.D. Jangra, Advocate.****versus****UNION OF INDIA & OTHERS****..... Respondents****Through: Mr. Nitin Khanna, Advocate.****%****CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN****JUDGMENT****SUDHIR KUMAR JAIN, J.**

1. The petitioner has filed the present writ petition under Articles 226-227 of the Constitution of India for issuance of appropriate writ against cancellation of his candidature due to incorrect mentioning of date of issuance of OBC Certificate as 10.05.2021 in place of 10.05.2018 while submitting online application for appointment to the post of Navik (DB) in Indian Coast Guard and to allow the petitioner to participate in the selection process as the petitioner has cleared the written examination (Computer Based Test), Physical Fitness Test (PFT), etc.

2. The brief facts as arising from the petition are that the Indian Coast Guard, Ministry of Defence had issued advertisement for



filling up the posts of Navik (General Duty), Navik (Domestic Branch) and Yantrik01/2022 Batch and for the post of Navik (Domestic Branch), 50 vacancies (23-UR(Gen), 05-EWS, 17-OBC, 02-ST and 03-SC) were advertised. The petitioner was eligible for the post of Navik (Domestic Branch) and applied online in OBC category with Registration No. 2107NDB0016887. The petitioner was issued e-admit card for Stage-I i.e., Written Examination (Computer Based Online Examination) scheduled to be held on 28.09.2021 at IT Web Solutions, Industrial Area, Phase I, Chandigarh. The petitioner was declared successful in the written examination and shortlisted for Stage-II i.e. Physical Fitness Test and document verification scheduled for 16.11.2021 at Sector-22, Noida. The petitioner cleared physical fitness test and was called for document verification. The petitioner during document verification was asked to sign on a paper as his candidature was stated to be cancelled on the date of issuance of the OBC Certificate as it was not matching with the date of issuance of the OBC Certificate as mentioned in the application form. The petitioner has mentioned the date of issuance of OBC Certificate as 10.05.2021, at the time of filling up of online application due to inadvertent typographical error in place of 10.05.2018. The petitioner showed OBC Certificates dated 10.05.2018 and 10.05.2021 but the concerned authority did not consider the stand of the petitioner. The cancellation of candidature of the petitioner was arbitrary, *mala fide* and against the principles of natural justice. The petitioner was not even considered for General (UR) Category. The petitioner has submitted a representation on 30.11.2021 for explaining error caused



by inadvertent typographical error and asked permission to participate in selection process which was arbitrarily rejected verbally. The petitioner challenged the said acts of the respondents on the grounds that he cannot be denied for further participation in the selection process, the respondents had acted in violation of Articles 14 & 16 of the Constitution of India, the respondents did not consider inadvertent typographical error in mentioning date of issuance of OBC Certificate at time the of submission of online application, the petitioner was not considered for General (UR) Category, the respondents acted arbitrarily, illegally and against principles of natural justice while cancelling verbally the candidature of the petitioner on 16.11.2021 during document verification, the respondents have no right to deprive the petitioner of being appointed at the post of Navik (DB), the respondents did not consider the representation of the petitioner besides other grounds. Being aggrieved, the petitioner has filed the present writ petition and prayed as under: -

- a) to quash and set aside impugned action of the respondents in cancellation of candidature of the petitioner during document verification on 16.11.2021 on the ground that the date of issuance of OBC certificate mentioned in the application form as 10.05.2021 whereas it was 10.05.2018 in the original certificate, which was mentioned inadvertently while filling up form for the post of Navik (DB), against principle of natural justice.**
- b) to declare the impugned action of cancellation of candidature during document certificate on 16.11.2021 inadvertent typographical error in date of OBC certificate as 10.05.2021 instead of 20.05.2018 as illegal,**



arbitrary and discriminatory and further direct the respondents to consider the OBC certificate dated 10.05.2018 and the latest issued on 20.07.2021 for documents verification and permit the petitioner to further participate in selection process for the post of Navik (DB) 01/22.

c) to allow the writ petition with cost.

3. The respondents has filed the counter affidavit wherein, in the preliminary submissions, it is stated that the petitioner had applied for the post of Navik (DB) in Indian Coast Guard for 01/2022 Batch with Registration No.2107NDB0016887 and was found eligible. The petitioner was issued *e*-admit card with direction to appear for Stage-I i.e. the written examination which was conducted on 28th September, 2021 at Chandigarh and was declared successful. Thereafter the petitioner was issued *e*-admit card for Stage-II and appeared for Physical Fitness Test (PFT) followed by document verification at Noida on 16th November, 2021. The petitioner was declared 'pass' in Physical Fitness Test (PFT) but was declared 'failed' during scrutiny of documents in Stage-II by the Board. The OBC Certificate uploaded by the petitioner was not as per the format mentioned for appointment to the posts under Government of India and should also bear QR/bar Code for subsequent online verification as prescribed in para 6(c)(v) Note (aaa) of Advertisement CGEPT-01/2022 Batch. It was also mentioned in the Advertisement that no other format will be entertained and candidature would be cancelled if OBC Certificate in any other format is submitted. The petitioner applied for Indian Coast Guard (ICG) Examination despite not having documents as per the Advertisement. The petitioner was not



eligible for consideration for unreserved vacancy. The petitioner mentioned his name as 'Rohit Kumar' whereas his name was mentioned as 'Rohit' in OBC Certificate meant for appointment in the State Government which was uploaded as such there was mismatch in the name of the petitioner. The petitioner mentioned date of OBC Certificate as 10.05.2021 in online application whereas in two OBC Certificates submitted by the petitioner, the dates of OBC Certificate were mentioned as 10.05.2018 and 20.07.2021. The candidature of the petitioner was cancelled in accordance with para No. 5(c)(i) of the Advertisement. The petitioner has not submitted Caste Certificate OBC (Non-Creamy Layer) as per the guidelines of Indian Coast Guard and has provided wrong information at the time of submission of online application. The OBC Certificate submitted by the petitioner for appointment under Government of India was dated 20.07.2021. The enrollment in Coast Guard Services was subject to clearing all stages of examination. The respondents, para wise replied, denied and controverted other allegations of the petitioner and prayed that the petition be dismissed.

4. Learned counsel for the petitioner argued that the petitioner has cleared Stage- I i.e. the written examination (Computer Based Online Examination) held on 28th September, 2021 and was shortlisted for stage-II i.e., Physical Fitness Test (PFT) and document verification scheduled for 16.11.2021. The petitioner, due to *bona fide* mistake has mentioned the date of issuance of OBC certificate as 10.05.2021 in place of 10.05.2018, due to which, the petitioner was declared unsuccessful at the stage of document verification. The



representation dated 30.11.2021 submitted by the petitioner was also rejected. The counsel further argued that the cancellation of candidature of the petitioner was arbitrary, *mala fide* and against the principles of natural justice.

5. The learned counsel for the respondents argued that the petitioner had applied for the post of Navik (DB) in Indian Coast Guard for 01/2022 batch and was declared successful for Stage-I i.e., written examination, which was conducted on 28th September, 2021. The petitioner was also declared successful in Stage-II i.e., Physical Fitness Test (PFT). The petitioner was declared unsuccessful at the time of scrutiny of document as OBC Certificate uploaded by the petitioner was not as per format mentioned in Para 6(c)(v) Note (aaa) of the Advertisement and also mentioned date of issuance of OBC certificate as 10.05.2021 in online application, which was not in consonance with the Advertisement. The petition is liable to be dismissed.

6. It is apparent from the record that the Indian Coast Guard, Ministry of Defense issued Advertisement for filling of post of Navik (Domestic Branch), 01/2022 Batch and the petitioner was stated to be eligible for the post of Navik (Domestic Branch). The petitioner submitted online application in the category of OBC *vides* Registration No. 2107NDB0016887. Para 5 of Advertisement deals with Selection Procedure. It provides that selection of recruits is based on an All-India order of merit on their performance in Stage-I, II, III & IV. It was further mentioned that clearing of Stage-I, II, III & IV and satisfactory performance in training is compulsory for



recruitment in Indian Coast Guard and all candidates will be compulsorily subjected to biometric, photo identification and document verification during Stage-I, II, III & IV of the selection procedure. Relevant portion of Para 5 pertaining to Selection Procedure is reproduced as under: -

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.

7. Clause 5(c)(i) deals with Document Verification and provides that all the information provided in the online application has to match with all the original documents. It reads as under: -

“(c) Stage-III. Based on the performance in Stage-I & Stage-II, an all-India merit list will be prepared and e-admit card for stage-III (final medicals at INS Chilka) will be issued as per the vacancies available and ratio decided by ICG. The duration of Stage-III is 1 to 2 days. Stage-III involves following: -

(i) 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. The candidate can fail in document verification in stage-III even if he is pass during document verification stage-II. 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-III than the candidature will be cancelled. Common reasons for rejection during Document Verification can be checked at

<https://joinindiancoastguard.cdac.in/assets/img/downloads/doc/reasonForReiection.pdf>.”

8. It is apparent upon the perusal of clause 5(c)(i) that all the information provided in the online application has to match with all the original documents including Caste Certificate and any inconsistency in the documents and application including Caste Certificate will lead to failure in document verification and the candidature would be cancelled. It is also apparent that the date of issuance of documents including caste certificate has to be the closing date of application or any date prior to closing date of application.

9. Clause 6 of the Advertisement deals with procedure and manner of submission of the application. Clause 6(c)(v) Note (aaa) provides that OBC (Non creamy layer) Certificate of candidates should be as per the format for appointment for post under the Govt. of India and should bear QR/bar code for subsequent online verification. It is further mandated that any other format would lead



to cancellation of candidature and format of OBC (Non-Creamy) Certificate was available on website of Indian Coast Guard (ICG). It reads as under: -

“Note:

(aaa) In case of SC/ST/OBC (Non Creamy)/ EWS applicants, availing their respective quota then either current or permanent address of online application should be same as the address mentioned in caste/category certificate-(SC, ST & OBC (Non-Creamy)). EWS certificate shall be as per Govt. of India format (No other format will be entertained). (Format available on ICG website). Further OBC (Non creamy layer) certificate of candidates should be as per the format for appointment for post under the Govt. of India and should bear QR/bar code for subsequent online verification. The format of the OBC (Non-Creamy) certificate is available on ICG website. (No other format will be entertained). Any other format will lead to cancelation of candidature.”

10. The petitioner was declared successful in Stage-I i.e., ‘written examination’ conducted on 28th September, 2021 and Stage-II i.e., Physical Fitness Test (PFT) held on 16th November, 2021. Stage II was to be followed by document verification but was declared failed during scrutiny/verification of documents. The petitioner was declared unsuccessful in document verification conducted on 16th November, 2021 on two counts as OBC Certificate uploaded by the petitioner was not as per the format as mentioned in para 6(c) (v) Note (aaa) of Advertisement CGEPT-01/2022 Batch i.e. the format mandated for appointment to the posts under Govt. of India despite it was mentioned in the Advertisement that no other format will be entertained and candidature would be cancelled if OBC Certificate in



any other format is submitted and the petitioner mentioned date of issuance of OBC Certificate as 10.05.2021 in online application whereas in two OBC Certificates submitted by the petitioner, the dates of OBC Certificate were mentioned as 10.05.2018 and 20.07.2021 which was not in accordance with para no. 5(c)(i) of the Advertisement. The petitioner did not dispute these facts. The representation submitted by the petitioner was rejected on 30.11.2021.

11. The petitioner is seeking judicial review of acts of the respondents in cancelling his candidature for post of Navik (DB) as arbitrary, *mala fide* and against principles of Natural Justice. The purpose of judicial review is to ensure that the individual is given fair treatment by the authority to which he has been subjected. Judicial review is designed to prevent the excess and abuse of power by public authorities. It was held in case of **Chief Constable of North Wales Police V Evans**, (1982) 3 All E R 141 that the purpose of judicial review is to ensure that the individual receives fair treatment. In **Laker Airways Ltd. v Department of Trade**, (1977) 2 All E R 182, it was observed that discretionary power is to be exercised for the public goods and this exercise can be examined by the courts. Lord Diplock in **Council of Civil Service Unions V Minister for the Civil Service**, (1984) 3 WLR 1174 observed that administrative action is subject to judicial review on the grounds which are 'Illegality', 'Irrationality' and 'Procedural Impropriety'.

12. In India, negation of arbitrariness in the exercise of public power is considered to be cardinal component of the rule of law. The



Courts in India have invalidated arbitrary exercise of administrative power. Article 14 of the Constitution strikes at arbitrariness in State action and ensures fairness and equality of treatment. In **E. P. Royappa v State of Tamil Nadu**, AIR 1978 SC 555, the Supreme Court observed that Article 14 embodied a guarantee against arbitrariness. The Supreme Court in **Maneka Gandhi v Union of India**, AIR 1978 SC 597 observed that Article 14 strikes at arbitrariness in State action and ensure fairness and equality of treatment. It was also observed in **S. R. Bommai v Union of India**, AIR 1994 SC 1917 that the purpose of judicial review is to ensure that the individual is given fair treatment by the authority and is basic feature of the Constitution.

13. However judicial review is concerned with legality rather than merit of the case. The courts cannot substitute its own view in exercise of power of judicial review. The judicial review is not an appeal against the decision taken by the concerned authority. Judicial review is stated to be protection and not a weapon. In **Tata Cellular V Union of India**, (1994) 6SCC651 observed that judicial review is concerned with reviewing and not with merits of the decision.

14. The recruitment refers to the process of finding possible suitable candidates for a job or function to be undertaken by the recruiters and advertising is common part of the recruiting process. It is for the employer to prescribe modalities of selection process, eligibility criteria and conditions for potential candidates.

15. The Hon'ble Supreme Court in various decisions considered relevance of conditions prescribed for recruitment to any post. The



Supreme Court in case titled **J. Rangaswamy v Government of Andhra Pradesh, (1990) 1 SCC 288** observed that it is not for the court to consider the relevance of qualifications prescribed for various posts. In **Yogesh Kumar v Government of NCT of Delhi, (2003) 3 SCC 548**, the Supreme Court observed that recruitment to public service should be held strictly in accordance with the terms of advertisement and the recruitment rules, if any and further deviation from the rules allows entry to ineligible persons and deprives many others who could have competed for the post. The Supreme Court in **Bedanga Talukdar v Saifudaullah Khan & others, AIR 2012 SC 1803** observed as under:-

“It is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates, who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due



publication would be contrary to the mandate of quality contained in Articles 14 and 16 of the Constitution of India.”

16. The Supreme Court in case of **Chief Manager, Punjab National Bank & another v Anit Kumar Das**, Civil Appeal No.3602 of 2020 decided on 03rd November, 2020 held as under:-

“It is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for the Courts to consider and assess. The greater latitude is permitted by the Courts for the employer to prescribe qualifications for any post. There is a rationale behind it. Qualifications are prescribed keeping in view the need and interest of an Institution or an Industry or an establishment as the case may be. The Courts are not fit instruments to assess expediency or advisability or utility of such prescription of qualifications. However, at the same time, the employer cannot act arbitrarily or fancifully in prescribing qualifications for posts.”

17. We are of the judicial opinion that the conditions imposed by the respondents for recruitment to the post of Navik (DB) as per clauses 5(c)(i) which provides that all the information provided in the online application has to match with all the original documents including caste certificate and any inconsistency in the documents and application including caste certificate will lead to failure in document verification and the candidature will be cancelled and Clause 6(c)(v) Note (aaa) which provides that OBC(Non creamy layer) Certificate of candidates should be as per the format for appointment for post under the Govt. of India and any other format would lead to cancellation of candidature and format of OBC (Non



Creamy) are cannot be regarded as unreasonable and arbitrary. The Advertisement does not prescribe any relaxation from prescribed conditions. These conditions were well in knowledge of petitioner when he submitted online application for post of Navik (DB). The format of OBC (Non-Creamy Layer) certificate was also available on website of Indian Coast Guard. The petitioner has not submitted OBC certificate in the format as prescribed and provided in the Advertisement. The petitioner also did not mention date of issuance of OBC Certificate as per requirement of Advertisement. These were the mandatory conditions which the petitioner was required to comply with but has failed to comply with at the time of online submission of the application for the post of Navik (DB) and in subsequent selection process. These conditions were equally applicable to all potential candidates without any discrimination and favoritism. The petitioner did not challenge original advertisement and also participated in selection process. The respondents also considered the representation dated 30.11.2021 and as such the petitioner was given due opportunity of being heard.

18. This court in various decisions also considered deviation in terms and conditions prescribed by any public authority for recruitment of any post. This Court in the case titled **Union Public Service Commission v Govt. of NCT of Delhi & others**, W.P. (C) 10058/2009 12 decided on 25th January, 2010 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 other candidates. This court again in



decision delivered in **Union Public Services Commission v Tarun Arora**, W.P. (C) 3003/2016 decided on 01st February, 2017 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. It was observed as under: -

“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 WP(C) No.1144/2022 Page 8 of 8 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 impede, become disorderly and crumble. The present case does not warrant indulgence and concession to the respondent.”



19. The Counsel for the petitioner cited **Ram Kumar Gijroya v Delhi Subordinate Services Selection Board & another**, Civil Appeal No. 1691 of 2016 decided on 24th February, 2016 by the Supreme Court of India. The said appeals were arisen out of the impugned common judgment and order dated 24.01.2012 passed by the High Court of Delhi in Letters Patent Appeal No.562 of 2011 and Writ Petition (C) No. 8087 of 2011 whereby the High Court had set aside the judgment and order dated 24.11.2010 passed in Writ Petition (C) No. 382 of 2009 wherein the learned Single Judge had allowed the Writ Petition and directed the respondents to accept the OBC certificate of the appellants therein. The important question of law to be decided in those appeals was whether a candidate who appears in an examination under the OBC category and submits the certificate after the last date mentioned in the advertisement was eligible for selection to the post under the OBC category or not.

20. In the said case, the respondent-Delhi Subordinate Services Selection Board (hereinafter referred to as “**the DSSSB**”) invited applications for selection to the post of Staff Nurse in the Department of Health and Family Welfare, Govt. of NCT of Delhi. The appellant submitted the application before the due date and was shortlisted for selection but his name did not appear in the final list of selected candidates. The appellant was informed that he was not selected to the post as he did not submit OBC Certificate along with application form before the last date of submission of application form.

21. The appellant, along with the other aggrieved candidates, filed Writ Petition(C) No.382 of 2009 before this Court seeking the



issuance of a writ of mandamus commanding the respondent-DSSSB to accept the OBC Certificates after cut-off date for selection to the post of Staff Nurse as provided in the advertisement. The appellant relied on **Pushpa v Government of NCT of Delhi and others**, Writ Petition (C) No. 9112 of 2008 decided on 11th February, .2009 by this Court whereby the Court had granted OBC benefit to the petitioners therein. The respondent-DSSSB filed Letters Patent Appeal No. 562/2011 before the Division Bench of this Court. This Court has set aside the order of the learned Single Judge and allowed the Letters Patent Appeal filed by the respondent-DSSSB by holding that as the appellant herein applied for OBC Certificate only ten days prior to the cut-off date and hence, no case for grant of relief in favour of the appellant was made out and also observed that decision in **Pushpa v govt of NCT of Delhi & Ors.** is not applicable.

22. The Hon'ble Supreme Court observed that the Division Bench of this Court erred in not considering the decision rendered in the case of **Pushpa v govt of NCT of Delhi & Ors.** wherein the learned Single Judge had rightly held that the petitioners therein were entitled to submit the OBC Certificate before the provisional selection list was published to claim the benefit of the reservation of OBC Category. The Hon'ble Supreme Court after considering the objective of reservation and referring **Indra Sawhney V Union of India**, 1992(Supp) 3 SCC 217 and **Valsamma Paul v Cochin University & others**, (1996) 3 SCC 545 observed as under: -

“The Division Bench, thus, erred in reversing the judgment and order passed by the learned single Judge. Hence, the



impugned judgment and order passed by the Division Bench in the Letters Patent Appeal No. 562 of 2011 is not only erroneous but also suffers from error in law as it has failed to follow the binding precedent of the judgments of this Court in the cases of Indra Sawhney and Valsamma Paul (supra). Therefore, the impugned judgment and order passed by the Division Bench of the High Court is liable to be set aside and accordingly set aside. The judgment and order dated 24.11.2010 passed by the learned single Judge in W.P. (C) No. 382 of 2009 is hereby restored.”

23. We are of the considered opinion that the decision delivered in **Ram Kumar Gijroya v Delhi Subordinate Services Selection Board & Another** is not applicable in present case under given facts and circumstances due to reasons stated in **Ram Kumar Gijroya V Delhi Subordinate Services Selection Board & Another**, the appellant was permitted to submit OBC Certificate after ten days from the last date of submission of application for the post of Staff Nurse whereas, in the present case, the petitioner submitted OBC Certificate at the time of submission of online application but OBC Certificate was not in accordance with format as prescribed in Advertisement for post of Navik (DB) and date of issuance of OBC Certificate as mentioned in online application was not matching with date of issuance of OBC certificate as mentioned in OBC Certificate submitted at time of verification of the documents.

24. A Division Bench of this Court in **Pradeep Kumar V. Union of India & Ors., WP(C) 1144/2022** decided on 20th January, 2022 considered disqualification of the candidature of the petitioner therein for recruitment in the Indian Coast Guard (ICG) due to supply of incorrect details at the time of filling up the application form. The



petitioner therein pursuant to a notification issued by the ICG applied for the post of Navik (GD). 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 which included a Physical Fitness Test and Document Verification. The petitioner was declared as “ pass” in Stage-II of the recruitment process as well but 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. The petitioner duly replied to the said show cause notice and enclosed therewith a copy of his Aadhar Card. 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. The petitioner sought directions to the respondents to consider the petitioner as qualified and to consider his candidature in further stages of the recruitment process. The Division Bench after considering relevant clauses of advertisement and referring **T. Jayakumar v A. Gopu & Anr.**, (2008) 9 SCC 403 observed that despite clear warning given to the petitioner, he was clearly negligent in uploading his self-photograph instead of his



Photo identity proof with the application and 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. The petition was accordingly dismissed. (Also refer **Aman Yadav v Union of India**, WP (C) 1704/2022 decided on 11th February, 2022 by this Court.)

25. The petitioner herein did not make out any exception for giving relaxation in terms and conditions as herein contained in clauses 5(c)(i) and 6(c) (v) Note (aaa) of Advertisement CGEPT-01/2022 Batch of the advertisement. In view of above discussion, we find no merit in present writ petition, hence dismissed. No order as to costs.

SUDHIR KUMAR JAIN, J.

SURESH KUMAR KAIT, J.

APRIL 26, 2022
'N/MYS'