

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

263

CWP-19731-2022

Date of Decision : 30.11.2023

Ankit

..... Petitioner

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Ganesh Kumar Sharma, Advocate  
for the petitioner.

Mr. Sunil Kumar Sharma, Sr. Panel Counsel  
for the respondents - UOI.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of order dated 04.08.2022 (Annexure P-6) whereby his candidature has been rejected on account of spelling mistake in the name of his father in the caste certificate.

2. The respondent pursuant to advertisement online applied for the post of Navik (General Duty) in the Indian Coast Guard. The petitioner was called for written test which was held on 29.03.2022. The petitioner appeared in the written test and cleared the same. The petitioner was called for physical fitness test which he cleared. During the verification of documents, the respondent noticed that in the caste certificate, name of petitioner's father is mentioned as 'Sanjit' whereas in all other documents, name is mentioned as 'Sanjeet'. The petitioner approached Tehsildar,

Charkhi Dadri who issued fresh certificate with correct spelling of name of petitioner's father. The petitioner requested the respondent to re-consider his documents, however, respondent rejected his claim on the ground that there was mismatch in the name of petitioner's father.

3. Learned counsel for the petitioner submits that there was clerical mistake on the part of the Tehsildar who issued caste certificate. The petitioner has cleared written as well as physical test. The defect noticed during verification of the documents was a curable defect.

4. Per contra, learned counsel for the respondents-UOI submits that in the advertisement, it was specifically mentioned that the date of issue of all the documents has to be the closing date of application or any date prior to closing date of application. In case of any mismatch of information provided in the application form, documents uploaded and original documents produced for physical verification, the candidature shall be cancelled. Concededly, there was mismatch in the petitioner's father name in caste certificate vis-a-vis other documents, thus, the respondent has rightly rejected claim of the petitioner.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. The case of the respondent is based upon Clause 6(b)(ii) of the advertisement which reads as :

*(ii) **Document Verification (Provisionally 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 31 Oct 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 then the candidature will be cancelled. Any false declaration in the online application will lead to cancellation of candidature. Common reasons for rejection during Document Verification can be checked at <https://joinindiancoastguard.cdac.in/cgept/assets/img/downloads/doc/ReasonforRejection.pdf>*

7. A Co-ordinate Bench of this Court in **Nitika vs. The State of Punjab and others, 2014(3) SCT 348** has considered similar issue where there was mismatch in the name of father of the petitioner therein. The Court after considering different judgments allowed the writ petition and held the petitioner therein eligible for appointment as Vocational Master (General Receptionist). The relevant extracts of the judgment read as :

*(5) Assailing the aforesaid reason assigned in the reply for rejection of her candidature, learned counsel for the petitioner submitted that the petitioner had appeared in the MBA Examination held in May, 2009, the result of which was declared on 17.8.2009 and notified, however considering the fact that name of father of the*

*petitioner was wrongly spelled in the result as 'Ram Moorti Modi' instead of 'Ram Murti Modi', the petitioner remained in the process of getting a correct copy of the DMC and degree, as a result of which on the Result-cum-Detail Marks Card, the date of issue was mentioned as 28.1.2010. In fact, when the result was declared on 17.8.2009, the petitioner was declared passed. As at the time of counselling, no objection regarding the aforesaid issue was raised, the petitioner had no opportunity to clarify the same.*

*X X X X*

*(19) In the present case from the material on record it is established that the result of the petitioner of MBA 4<sup>th</sup> Semester was notified on 17.8.2009, before the last date fixed for submission of applications, merely because the marks sheet was issued to her after the cut off date fixed for submission of application, she cannot be declared ineligible as she had already acquired the qualification and proof thereof was produced at the time of counselling.*

*(20) As far as the contention regarding other persons being similarly placed, who may be higher in merit, is concerned, the same is merely to be noticed and rejected for the reason that they never felt aggrieved against the rejection of their candidature. The petitioner, who is fighting for her cause, cannot be denied relief on that ground.*

*(21) As far as the contention raised by learned counsel for the State that the documents were not submitted by the petitioner at the time of counselling in support of the plea that she had passed her MBA Examination before the cut off*

*date is concerned, the fact remains that when the petitioner had filled her scrutiny form, she was declared eligible. It was only at the time of declaration of the result that the petitioner was shown to be ineligible. She was not offered any opportunity to clear the doubt, if any, about her ineligibility.*

*(22) It is admitted position that the petitioner had secured 62.65 marks and the persons who had secured 61.875 marks was offered appointment and further out of 39 vacancies in the General Category only 37 were filled, meaning thereby two posts are still available.*

*(23) For the reasons mentioned above, the writ petition is allowed. The petitioner is declared eligible for appointment as Vocational Master-General Receptionist. The respondents are directed to offer appointment to the petitioner within a period of two months from the date of receipt of copy of the order. The petitioner shall be entitled to all the benefits notionally from the date, person lower in merit than the petitioner was appointed, however, the actual payment shall be made only from the date the petitioner joins service.*

8. The respondent did not find mistake in the application form as well as education qualification certificates of the petitioner. The father name of the petitioner was correctly mentioned in the application form as well as education qualification certificates. There was mistake in the spelling of father name of the petitioner in the caste certificate which was issued by a Government official. The petitioner at the earliest got corrected certificate and submitted before the respondents.

9. In view of peculiar facts and circumstances of the case, this Court is of the considered opinion that mistake was a curable defect and it was not detected at the threshold whereas it was detected after petitioner cleared written as well as physical test. There was no lapse on the part of the petitioner. The petitioner should not be punished for the mistake committed by someone else. The petitioner has cleared written as well as physical test, thus, it would not be in the interest of justice to deny him benefit of selection.

10. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition deserves to be allowed and accordingly allowed. However, it is made clear that the petitioner would be entitled to post, if any, lying vacant. In case no post is lying vacant, the respondents are directed to consider claim of the petitioner in subsequent examination subject to medical fitness.

30.11.2023  
*anju*

( JAGMOHAN BANSAL )  
JUDGE

|                           |               |
|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |