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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 24th May, 2023***

+ **W.P.(C) 7207/2023 & CM APPL. 28018/2023**

PANKAJ

..... Petitioner

Through: **Mr. R.K. Ojha, Advocate**

versus

UNION OF INDIA AND ORS

.... Respondents

Through: **Mr. Ajay Jain, Senior Panel Counsel
with Ms. Krishna Sharma, Advocate**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide this petition, petitioner is seeking directions to the Respondent No.2/ concerned authority to allow him to clear Stage-II Examination.
2. Case of the petitioner is that respondents had issued a Notification for the recruitment to the post of Navik (D), Navik (Domestic Branch) and Yantrik in the Indian Coast Guard from 08th September, 2022 (1100 hrs) to 22nd September 2022 (1730 hrs). Petitioner cleared stage-I examination and thereafter, he was called for stage-II examination. Further, his candidature has been rejected by the respondents on the ground that in the Secondary Examination Certificate dated 22.05.2017 and online application form, his father's name has been mentioned as 'Birmdutt' whereas in OBC Certificate

dated 17.06.2021, the same is mentioned as 'Birm Dutt'.

3. Notice issued.

4. Learned counsel for respondents accepts notice and submits that in the advertisement for the post in question, it is specifically mentioned that any false information/ or even mismatch in online application will lead to cancellation of candidature.

5. In the present case, admittedly, petitioner father's name is 'Birmdutt' which is mentioned in the Secondary Examination Certificate and OBC Certificate dated 20.12.2017.

6. It is pertinent to mention here that in OBC Certificate dated 17.06.2021 issued to petitioner, his father's name is 'Birm Dutt' and his residential address is House No.312, Village Rajpura, PO Tajpur, Tehsil Ateli, District Mahendergarh, Haryana-123021 whereas in OBC Certificate dated 20.12.2017, his father's name is 'Birmdutt' and his residential address is House No.8, Village Rajpura, PO Tajpur, Tehsil Ateli, District Mahendergarh, Haryana-123021.

7. It is obvious that in a period of four years, petitioner might have changed the residence, however, in both the aforesaid certificates, the photos affixed are of petitioner which shows that both the certificates were issued to petitioner. In OBC Certificate dated 17.06.2021, the name of petitioner's father is 'Birm Dutt' which is mentioned by the authority who issued the said certificate whereas the same authority had issued OBC Certificate dated 20.12.2017 to him in which his father's correct name is mentioned.

8. In view of above, we are of the considered opinion that both the certificates belong to petitioner.

9. Accordingly, respondents are directed to allow the petitioner to join

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further selection process. If the selection process in question is concluded and all the vacancies of OBC Candidates have been filled-up and all have joined the induction course then in that case, since the petitioner herein has cleared the selection process, he shall be allowed to join induction course in the next batch subject to completion of necessary formalities as per procedure, however, his seniority shall be treated with his batchmates with all consequential benefits except the salary.

10. It is made clear that if respondents have any evidence from concerned authority that OBC Certificate dated 17.06.2021 and OBC Certificate dated 20.12.2017 are issued to different persons and do not belong to petitioner herein, the respondents are at liberty to take action as per law.

11. With the aforesaid directions, the present petition and pending application are disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 24, 2023/rk