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

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

+ **W.P.(C) 7223/2023 & CM APPL. 28183/2023**

HIDESH Petitioner

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

versus

UNION OF INDIA AND ORS Respondents

Through: **Ms. Rity Reniwal, Senior Panel
Counsel for UOI**

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 conducted by respondents as the petitioner has already submitted his new mark sheet of Class XII mathematics Examination to the Board Office Goa.
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 on 10.01.2023. However, his candidature has been rejected by the respondents on the

ground that his Class XII Mathematics' marks mismatched with the online application details submitted by him for the post in question.

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. Learned counsel for respondents further submits that all the candidate were supposed to upload all the documents by 22.09.2022, however, later on, the last date was extended from 08.10.2022 to 11.10.2022. Learned counsel for respondents further submits that petitioner uploaded his Senior School Certificate Examination, 2020 dated 13.07.2020 in which petitioner failed in Mathematics.

6. It is further submitted by learned counsel for petitioner that petitioner produced his Senior School Certificate Examination, 2020 dated 09.10.2020 during Stage-II Examination whereby he passed in Mathematics, however, the said document was not uploaded by him in online application.

7. Case of petitioner is that petitioner uploaded aforesaid certificate dated 13.07.2020 wherein he failed in Mathematics, therefore, he re-appeared and passed in Mathematics which is evident from Senior School Certificate Examination, 2020 dated 09.10.2020.

8. It is not in dispute that petitioner has already qualified Stage-I Examination which was held on 23.11.2022. In Stage-II Examination, he produced both documents, i.e. Senior School Certificate Examination, 2020 dated 13.07.2020 and Senior School Certificate Examination, 2020 dated 09.10.2020, which establishes the fact that petitioner possesses the required

qualification and meets the eligibility criteria for the post in question.

9. It is also not disputed on behalf of the respondents that on last date of submission of documents, i.e. 22.09.2022, petitioner did not possess the qualification required. Petitioner had passed the eligibility on 09.10.2020, i.e. Mathematics in Class XII. The said advertisement in question was in the year 2022.

10. Accordingly, we hereby direct the respondents to allow the petitioner to join further selection process. If selection process in question stands 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.

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

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