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

% Date of decision: 25.09.2023

+ W.P.(C) 12610/2023, CM APPL. 49726/2023 & CM APPL.
49727/2023

VIKASH KUMAR YADAV

..... Petitioner

versus

UNION OF INDIA, & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ankur Chhibber, Advocate

For the Respondents: Ms. Anushkaa Arora, Senior Panel
Counsel, UOI with Ms. Simran Chadha, Mr.
Yash Mittal Advocates & Mr. Anirudh
Shukla (GP)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns letter dated 27.06.2023 whereby the candidature of the petitioner has been rejected on the ground of filling incorrect domicile district in the application form.

2. Issue notice. Notice is accepted by learned counsel appearing for respondents. With the consent of the parties, petition is taken up for final disposal today.



3. Respondent had issued notice for recruitment to the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles, Sepoy in Narcotics Control Bureau in the year 2022. The applications for participating in such competitive examination were to be submitted online.

4. Petitioner applied pursuant to the said advertisement.

5. The recruitment notice in Clause 1.6 stipulates that the vacancies of Constable (GD) in SSF and NCB will be filled on All India basis whereas vacancies in all other CAPFs will be filled as per vacancies available in various States/Union Territories and in addition vacancies were earmarked for Border Guarding Districts & Militancy/Naxal affected Districts which were reserved for candidates of those Districts only.

6. Petitioner who domiciles in the State of Jharkhand in his application form in Column 18 States/UT of Domicile, mentioned the State of Jharkhand as his State of Domicile and in Column 19 District of Domicile, mentioned District Hazaribagh.

7. In Clause 27 & 28 of the application form while giving his address details, petitioner mentioned that he is a permanent resident of District Chatra in State of Jharkhand.

8. As per the respondents, the domicile certificate furnished by petitioner mentioned that he is resident of District Chatra whereas in the application form in Column 19, petitioner had mentioned his



district of domicile as Hazaribagh and as there was a discrepancy in the domicile claim as well as the domicile certificate, the candidature of petitioner has been rejected pursuant to Clause 13.13 which stipulated that the candidates should be careful and must exercise due diligence while providing the information about domicile State and District in the online application form and in case there was any variation of District and/or State mentioned by the candidate, their candidature was liable to be cancelled forthwith.

9. Learned counsel for respondent submits that before submission of online application, candidates must check correct details as change/correction/modification is not allowed as stipulated in Clause 8.6.

10. Learned counsel further submits that repeatedly it is mentioned in the application form that candidates must fill their details very carefully as no change/correction/modification is allowed and any discrepancy would lead to rejection of the candidature.

11. Reference may be had to Clause 1.6 which stipulates that vacancies would be filled as per vacancies available in various States/Union Territories. In addition, different vacancies were earmarked for Border Guarding Districts and Militancy/Naxal affected Districts.

12. Petitioner had filled up the application form specifically stating that his domicile is in the State of Jharkhand. However, in respect of District, he claims to have erroneously mentioned 'Hazaribagh' in



place of 'Chatra'. In his form, he has also given that he is permanently resident of State of Jharkhand.

13. The application form has Annexure-XI as list of Border Guarding Districts and Annexure-XII as list of Militancy/Naxal affected Districts. There are some States which figure in both the list and the concerned districts of those States are also mentioned in Annexure-XI and Annexure-XI. The condition is Clause 1.6 with regard to separate vacancies being earmarked for Border Guarding Districts and Militancy/Naxal affected Districts would be relevant only for those States which figure in both the Annexures. In so far as State of Jharkhand is concerned, all districts of State of Jharkhand figure only in Annexure-XI i.e. Militancy/Naxal affected Districts.

14. Clearly, the vacancies for the State of Jharkhand are meant only for the persons residing in Jharkhand irrespective of the district which they belongs to.

15. Further, we may note that the domicile certificate furnished by the petitioner is certificate with regard to local residency of Jharkhand. Certificate has been issued by the Sub Divisional Officer, District Chatra which certifies that he is a local resident of State of Jharkhand though in District Chatra. The certificate at the end certifies that the holder has declared to abide with the pledge that he has not been the local person of any State/Union Territory other than Jharkhand which clearly shows that the certificate is universal for the entire State of Jharkhand and is not district dependent.



16. In any event the vacancies reserved are for the residents of Jharkhand and are not divided in Border Guarding Districts or Militancy/Naxal affected Districts as the Districts of the State of Jharkhand do not figure in both the lists and only figure in one list i.e. Annexure-XII.

17. We may further note that the educational qualification required for the subject post is that of matriculation only. The application form had to be filled up online and petitioner who belongs to one of the districts in Jharkhand had relied upon a Cyber Café Operator to fill up the application form.

18. Further, we may note that petitioner has not filled up incorrect details to claim an undue advantage. Petitioner is domicile in the State of Jharkhand and had applied for a vacancy reserved for the State of Jharkhand itself.

19. Another fact that has persuaded us to hold in favour of the petitioner, who applied as OBC candidate, is that his final score is 139.65 marks and the cut-off in general category is 126 which makes him eligible to be selected in all forces, barring SSF & NCB as far as cut-off marks for naxal area (unreserved) for the State of Jharkhand are concerned.

20. Petitioner being a meritorious candidate is sought to be rejected solely on the ground of filling up an incorrect detail in respect of domicile district. Though filling up an incorrect detail for the purposes of stealing an advantage or claiming recruitment in respect



of a vacancy of a different State can certainly not be countenanced but in the case of petitioner, petitioner does not stand to gain by filling up an incorrect district of domicile when in the case of petitioner, the district does not really affect the selection process.

21. In view of the above, the impugned letter dated 27.06.2023 is set aside and the rejection of the candidature of the petitioner solely on the ground of filling up an incorrect district is set aside. Respondents are directed to take all consequential steps towards recruitment of the petitioner if otherwise eligible and allot him the service based on his merit within two months from today.

22. Petition is allowed in the above terms.

23. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 25, 2023/dr