

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6096 of 2022

=====

Vishal Kumar Son of Mohan Prasad Yadav Resident of Mahmood Chowk,
Dahiyawan near Siya Masjit Chapra (Saran), Post Office- Chapara
(Sahebganj), Police Station- Town, District- Saran.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Defence, Government of India,
New Delhi.
2. The Directorate of Recruitment, Indian Coast Guard, C Block Sector 62,
Industrial Area, Noida- 201309
3. The Director General, Indian Coast Guard, Navi Headquarter, Delhi.
4. The Commandant, Indian Coast Guard, INS, Chailka, Post Office- Chilka,
Odisha- 752037
5. The Deputy Commandant, Assistant Director (Recdt-EP), Coast Guard,
Headquarter, Directorate as Recruitment Sector-62, NOIDA, Uttar Pradesh.
6. The Regional Centre, CBSE, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Adv.
For Union of India	:	Mr. Amarendra Nath Verma (Sr. Panel Counsel), Mr. Mukesh Kumar, C.G.C.
For respondent no. 6	:	Mr. Vijay Krishna Tripathy, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 09-09-2024

The petitioner has challenged a letter dated 4th April, 2022 issued by the Deputy Commandant, Assistant Director (Recdt-E.P.), Cost Guard, Headquarter, Directorate of recruitment, C-1-Phase-II, Industrial Area, Sector-62, Noida in the State of Uttar Pradesh.



2. It is the case of the petitioner that he had applied for the post of G.D. (General Duty), in the Indian Cost Guard, by filing an application and online payment on 7th July, 2021. At the time of filing online application, the petitioner had uploaded all the required certificates, such as Matriculation and Class 12th Certificate. Pursuant to the petitioner's application, the Recruitment Cell being the respondent no. 2, issued Admit Card for Stage-I test, i.e. Written Examination. The said examination was held on 26th September, 2021 and after being successful the petitioner was issued Admit Card for Stage-II, Physical Test, which was held on 17th November, 2021. He also qualified in Stage-II, Physical Test of the said recruitment process. During Stage-III of the recruitment process, it was found by the respondent authority that the serial number of the uploaded Matriculation certificate differs from the hard copy of the said certificate. For this reason, the petitioner's candidature was rejected and he declared failed in Stage-III of the examination. The respondent authority obtained petitioner's signature on a declaration.

3. It is contended on behalf of the petitioner that after uploading of initial application along with original documents and before Stage-III of the recruitment process, the original



Matriculation Mark-sheet of the petitioner was lost. He lodged a General Diary in the jurisdictional Police Station. Thereafter, he obtained a Duplicate Certificate from the Central Board of Secondary Education and the said duplicate certificate was placed during Stage-III verification of documents before the respondent authority. However, the respondent authority found mis-match in serial number of the Matriculation Mark-sheet/Certificate, which was uploaded by the petitioner and subsequently produced by him for verification. On these grounds, his candidature was rejected.

4. The Regional Centre, Central Board of Secondary Education, Patna has been made respondent no. 6 in the instant writ petition.

5. It is submitted by Mr. Vinay Krishna Tripathy, learned Advocate for respondent no. 6 that whenever any candidate wants the Board to issue a duplicate certificate, on the ground that the original certificate was lost, the duplicate certificate is issued bearing different serial number. The duplicate certificate shall not bear the same serial number as that of the original one. Therefore, the recruitment authority ought to have examined the duplicate certificate, which was submitted by the petitioner with the Central Board of Secondary Education to find out as to whether the



duplicate certificate tallies with the record of the Central Board of Secondary Education examination kept in the Office of the Board.

6. Mr. Amarendra Nath Verma, learned Advocate on behalf of the Union of India, on the other hand, submits that the petitioner initially uploaded a photocopy of the original certificate, which was against the recruitment norms. However, the petitioner was allowed to appear in the Stage-I examination. There is no dispute that the petitioner qualified Stage-I and Stage-II examination. However, during documents verification, when the authority found mis-match between the uploaded Matriculation Mark-sheet and the duplicate Matriculation Mark-sheet in respect of the serial number, there was reasonable doubt that the petitioner has filed a false certificate in support of his candidature, so his candidature was rejected at Stage-III.

7. Having heard the learned Advocates on behalf of the parties, specially the learned Advocate on behalf of the Central Board of Secondary Education, this Court is of the opinion that without straightway rejecting the candidature of the petitioner, the respondent authority could have sent the duplicate Matriculation Mark-sheet of the petitioner to the Central Board of Secondary Education (respondent no. 6) for verification, as to whether it was a duplicate certificate of its original.



8. It is needless to say that there is specific provision of issuing duplicate mark-sheet and certificate of Central Board of Secondary Education of Class 10th and Class 12th examination, if the original certificate is lost. The duplicate certificate was issued to the petitioner, when he filed an application stating, inter alia, that the mark-sheet of Class 10th examination was lost.

9. Considering such aspect of the matter, the instant writ petition is disposed of directing the respondent no. 5 to verify the duplicate Matriculation Mark-sheet/Certificate of the petitioner to ascertain as to whether it was issued by the Regional Centre, Central Board of Secondary Education, Patna, respondent no. 6 herein.

10. On receiving the reply of respondent no. 6, the respondent no. 5 shall take final decision on the question as to whether the candidature of the petitioner would be treated to be valid or not in Stage-III of the recruitment process.

11. The petitioner is directed to submit the duplicate mark-sheet of Class 10th to the respondent no. 5 within a fortnight from the date of this order along with a server copy of this order.

12. The respondent no. 5 shall act in accordance with direction passed by this Court hereinabove.



13. It is submitted by the learned Advocate on behalf of the respondent nos. 1 to 5 that the said recruitment process for the year 2020 has already been concluded.

14. Be that as it may, if the petitioner is found eligible, the respondents shall consider his appointment in the future vacancy under the Indian Cost Guard.

15. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

