



2024: 0100: 319-00



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

% *Date of decision: January 16, 2024*

+ W.P.(C) 599/2024, CM APPL. 2686/2024 & 2687/2024

(46) GANTAVYA GULATI

..... Petitioner

Through: In person

versus

DIRECTORATE OF RECRUITMENT, INDIAN COAST GUARD

..... Respondent

Through: Mr. Piyush Beriwal, Adv. with
Mr. Vedansh Anand and Mr. Nikhil
Kumar Chaubey, Advs. with
Mr. Rattan Negi, Dy. Commandant

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 2687/2024

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 599/2024

1. The present petition has been filed by the petitioner with the following prayers:-

“In the light of the facts and circumstances of the case, it is most respectfully and humbly prayed that this Hon'ble Court may kindly be pleased to:



I. Issue an appropriate Writ / Order / Directions in the nature of mandamus thereby directing the Respondent to rectify the misplacement of the Petitioner and ensure the accurate placement of the Petitioner in the recruitment cycle for Assistant Commandant (Law) - 02/2024.

II. Further direct the Respondent to allow the Petitioner to participate in the ongoing recruitment process for Assistant Commandant (Law) - 02/2024, provided the Petitioner fulfils the eligibility criteria for the said post.

III. Grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The facts of the case are, a Recruitment Notice was issued by the Indian Coast Guard / respondent for certain posts, which *inter-alia* included the posts of Assistant Commandant, General Duty ('GD', for short) and Assistant Commandant (Law). According to the petitioner, he had applied for the post of Assistant Commandant (Law). As per him, on receipt of the notification from the respondent regarding issuance of the admit card on December 02, 2023, he realised that he has been erroneously placed in the recruitment cycle for Assistant Commandant (GD) instead of Assistant Commandant (Law). He immediately made a representation to the respondent informing about the error that has crept in, in the submission of the application form and as of date, no response has been received by the petitioner. Therefore, he has prayed that necessary corrective measures be taken at the end of the respondent to ensure that his candidature is considered for the post



2024: JHC: 319-DB



of Assistant Commandant (Law).

3. We have been informed that, if a candidate applies for the post of Assistant Commandant (Law), he is exempted from appearing in Stage-I examination. In other words, he has to only appear in Stages-II and III of the examination and the Stage-II has not yet been held. Hence, the direction sought can be given by this Court.

4. On the other hand, Mr. Piyush Beriwal, Advocate and Mr. Rattan Negi, Dy. Commandant and representative of the respondent would submit that the petitioner had, in fact applied for the post of Assistant Commandant (GD), which is clear from his own application form at Annexure-3. That apart, our attention has also been drawn to page 45 of the paper book, wherein the column under the heading '*Post Applied*' clearly depicts General Duty (GD). It is also stated that once an application form is submitted, the post against which a candidate has applied, cannot be changed.

5. They state, on perusal of the representation submitted by the petitioner, it is clear that the mistake was actually on the part of the petitioner to submit the application for the post of Assistant Commandant (GD), though he may have intended to submit the same for Assistant Commandant (Law). In any case, it is submission that, as correction to the post applied cannot be made, the prayers as sought for, by the petitioner in this petition, cannot be granted.

6. Having noted the submissions made by the petitioner, Mr. Piyush Beriwal and Mr. Rattan Negi, we are of the view that, it is a fact that the petitioner had indeed applied for the post of Assistant Commandant (GD) and he did not notice his mistake until the receipt of



2024 : JHC : 319-DB



the admit card. Whereas, it is the case of the respondent that the nomenclature of the post applied for, cannot be corrected. Thus, according to us, it is too late in the day for the petitioner to seek the prayers as sought for in the instant petition, moreso, if the prayer as prayed for by the petitioner is allowed, it will have serious repercussions as the respondent may be inundated with similar request making the selection process unending. It was expected of the petitioner to verify / satisfy himself on the contents filled in the application, before submitting the same.

7. The petition is without any merit. The writ petition is dismissed. No costs.

CM APPL. 2686/2024 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 16, 2024/ak