



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

% *Date of decision: February 22, 2024*

+ **W.P.(C) 2119/2024 & CM APPL. 8835/2024**

(2) **SHIRSAT UMESH MADAN & ORS.** Petitioners
Through: Mr. Abhinay, Mr. L.K. Srivastava
and Mr. Pooran Chand Roy,
Advocates

Versus

INDIAN COAST GUARD & ORS. Respondents
Through: Ms. Archana Sharma, SPC with
Mr. Jitendra Kumar Tripathi, GP

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

SAURABH BANERJEE, J. (ORAL)

1. The petitioners herein, who applied for the post of Navik (General Duty) for 01/2024 Batch, allege that they were denied entry inside the examination centre at Goa Headquarters No. 11, Coast Guard District, Coast Guard Enclave, Chicolna, Bogmalo (PO), Goa-403 806, Landmark:- Stone Water Resort Road,¹ not only as they were not carrying an extra set of their coloured Application Forms, but, also as despite returning with the same they were once again denied entry for reporting late.

¹ Hereinafter referred to as 'Examination Centre'.



2. In light of the same, the petitioners, sent their respective representations through e-mail dated 10.01.2024, however, the same was to no avail.

3. Hence, the petitioners vide the present petition under Article 226 of the Constitution of India, seek setting aside the order of their rejection of candidature by the respondents; and consequently issuance of a direction to the respondents for inducting them in the ongoing Stage-II of Batch 01/2024 of the recruitment process.

4. The learned counsel appearing for the petitioners submits that the petitioners were arbitrarily and unfairly denied entry inside the Examination Centre, at the first instance, when they were wrongly asked for two coloured sets of their application forms, due to which, despite hurrying to the nearest cybercafe, the petitioners got late in returning to the Examination Centre and then, at the second instance, when they were again denied entry for being late, despite the delay not being attributable to them.

5. Learned SPC appearing for the respondents, although has filed no counter affidavit, submits that the 'Important Instructions' annexed to the Admit Card as well as the 'Administrative Order' of the Coast Guard Headquarters dated 26.12.2023, which was handed over during the course of hearing in Court today, require only one coloured copy of the Online Application and not two as claimed by the petitioners. Also, that the petitioners have failed to specify as to which official(s) asked them for a second coloured copy of the Online Application.



6. In fact, the learned SPC handing over the Candidate's List for Attendance² of the Examination Centre during the course of hearing today, submits that out of the 63 candidates who were to appear for their Stage-II examination at the Examination Centre, only 12 candidates, including the 4 petitioners herein, were marked as '*Absent*' for the examination and nobody else has raised any such issue. She further submits that as per an internal communication letter dated 05.01.2024, the password question paper and the answer key were to be transmitted to the respective Board President via NIC e-mail at 09:00 AM, while the petitioners reported late at 09:25 AM, which makes the claims of the petitioners dubious.

7. The factual matrix involved disclose that, undisputedly, all the candidates, including the petitioner herein appearing for the Stage-II examination at the Examination Centre were governed by a certain set norms, rules, regulations and pre-requisites specifying the date(s) and time(s) for conducting the examination of the Batch 01/2024 of the recruitment process. There is also no denial of the fact that they all such candidates, including the 4 petitioners herein, were duty bound to follow and adhere to what was stipulated therein.

8. It is further not disputed that the 'Important Instructions' annexed to the Admit Card as also the 'Administrative Order' of the Coast Guard Headquarters dated 26.12.2023, only required a coloured copy of the Online Application.

9. Pertinently, in an internal communication letter dated 05.01.2024,

² Hereinafter referred to as '**Attendance Sheet**'.



handed over during the course of hearing in Court today, which this Court has no reason to disbelieve, sent to each of the 63 candidates, including the petitioners, the password question paper and the answer key were to be transmitted to the respective Board President via NIC e-mail at 09:00 AM, which the petitioners failed to do so. There is no denial thereto by the petitioners, even otherwise, they have not been able to produce anything contrary thereto. Thus, there is nothing for this Court to disbelieve that the petitioners herein reported late at 09:25 AM to the Examination Centre instead.

10. Further, also from the Chart handed over during the course of hearing today, which also this Court has no reason to disbelieve, this Court finds that, *admittedly*, out of a total of list comprising of 63 candidates, including the petitioners herein, all the 51 candidates were marked '*Present*' as they reported at the Examination Centre on the specified date and time and it was only that the remaining 12 candidates who were marked '*Absent*' as they did not report at the said Examination Centre on the specified date and time for the best reasons known to them. Interestingly, out of the said 12 candidates who were also marked as '*Absent*' as they did not report at the Examination Centre, barring the 4 petitioners herein who have approached this Court, none of the other 8 candidates have either raised any similar issue or approached this Court.

11. Though, it is the case of the petitioners that they reached on the respective date and time at the Examination Centre and had to face issues with the respondents twice, in as much as, initially they were sought to produce two sets of their coloured Application Forms, which despite production by them, they were then not allowed entry as they reported



late, this Court finds the said charges, being unsubstantiated are vague as the same are bereft of any details, particularly names, of any of the official(s) present there who did so. This is when they were of much relevance and when all Officers of the respondents, who were present there, were wearing uniform with badges having their names on it. Surely, the petitioners could not have missed that, and that too, when their career prospects were at stake.

12. In any event, since there are no allegations of bias, *mala fide*, high-handedness or arbitrariness by the petitioners against any of the respondents, this Court finds no reason for interference.

13. Under the afore-stated facts and circumstances involved, the aforesaid discussions coupled with the reasonings thereto make it hard for this Court to grant the reliefs sought for by the petitioners by way of the present petition.

14. Accordingly, the present petition alongwith the application is dismissed, leaving the parties to bear their respective costs.

SAURABH BANERJEE, J

V. KAMESWAR RAO, J

FEBRUARY 22, 2024/rr