



2024:DHC:8584-DB



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

Reserved on: 21.10.2024
Pronounced on: 07.11.2024

+ **W.P.(C) 9453/2023**

VIKKI KUMAR PASWAN

.....Petitioner

Through: Mr. Abhinay Sharma, Mr.
Pooran Chand Roy, Ms.
Deeksha Prakash, Ms. Parul
Khurana & Ms. Kirti Vyas,
Advs.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Umesh K. Burnwal, SPC
with Mr. Amit Gupta, Mr.
Harish Adhikari & Mr. Kunal
Malik, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J.

1. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who is aspiring to join the Indian Coast Guard (ICG) as a Navik (Domestic Branch) in pursuance to the selection process conducted in accordance with Notification No. 01/2023, has approached this court assailing the respondents' decision to cancel his candidature.



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2. A brief factual background, as emanating from the record, is that the petitioner is a resident of District Ballia in Uttar Pradesh and is a Scheduled Caste candidate who had graduated high school in the year 2017. Pursuant to the respondents issuing the Notification No.01/2023 for recruitment to the post of Navik (D), Navik (Domestic Branch) and Yantrik in the Indian Coast Guard, the petitioner appeared for the Coast Guard Navik (DB)-01/2023 Stage-I examination on 22.11.2022. Before the commencement of such examination, each candidate appearing for the said examination had to provide (i) a photo identity proof which was checked at the entrance of the examination center; (ii) the candidate's photo was captured through a webcam and thumb impressions were taken as biometrics; and (iii) signatures of each candidate were taken on the attendance sheet.

3. Upon the petitioner clearing the Stage-I examination on 26.11.2022, he was issued an E-admit card for the Stage-II examination on 10.01.2023 and he appeared for the Physical Fitness Test (PFT) in Visakhapatnam on 09.01.2023. Before appearing for the Stage-II examination, the petitioner was required to upload certain supporting documents. Upon uploading the said documents, the petitioner's candidature was rejected on the ground that there was a discrepancy in the name of the father of the petitioner in the Class-X as well as in the Caste Certificate. The Caste Certificate read the petitioner's father's name as "Vikrma Paswan" whereas the Class-X certificate read the same as "Vikram Paswan".



4. Aggrieved by the rejection of his candidature, the petitioner approached this Court by way of a writ petition, being W.P.(C) 8451/2023. This Court, *vide* its order dated 12.06.2023, held that the error was merely typographical, and allowed the petitioner to participate in the Stage-III induction training.

5. The petitioner then reported for the Stage-III induction at INS Chilka on 16.06.2023 and submitted all his original documents for verification. The Coast Guard officials, after scrutinizing the documents and carrying out the biometrics, found the petitioner's data to be correct as per the advertisement guidelines of the CGEPT 01/2023 batch. Thereafter, the petitioner was required to provide his mobile phone number so that his Aadhaar Card history could be verified. On the respondents perusing the same, the petitioner was informed that due to multiple updates and corrections, his identity was doubtful and therefore, he could not be permitted to join training.

6. To prove his identity, the petitioner submitted various other documents that would verify the veracity of his identity. Once these documents were scrutinized, the petitioner was allowed to appear for the final medical test as part of the Stage-III induction, conditional on his submitting an undertaking. The petitioner, in pursuance to this condition set out, submitted an undertaking on 17.06.2023, explaining the circumstances under which he applied to make changes in his Aadhaar Card wherein he stated that he had changed his date of birth in order to get a job, as he was under the age of 18. However, despite submitting such an undertaking, the petitioner was stopped before his medical test was completed and was informed that the Coast Guard



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Headquarters had put his enrollment on hold and that he would have to wait for approval from the Headquarters. The petitioner's candidature was kept in abeyance and he was not given any definitive reason as to why the same was being done. Further, he was not given any written intimation rejecting his candidature.

7. Aggrieved, the petitioner wrote an email dated 21.06.2023 to the Coast Guard Headquarters, asking them to assign reasons for his rejection. He received a reply to the said email on 28.06.2023, wherein it was stated that the petitioner had modified his date of birth on various occasions thereby putting a suspicion on his true identity and antecedents. This action of the respondents in rejecting his candidature has compelled the petitioner to approach this Court by way of present petition.

8. Learned counsel for the petitioner, Mr. Abhinay Sharma, submitted that the changes in the Aadhaar Card cannot be the sole ground to reject the petitioner's candidature. Since all the other documents presented by the petitioner have been verified and there is no lacunae found in the other documents, the petitioner's candidature be accepted. Further, the modification in the date of birth was made well before the recruitment of the Coast Guard began. He also added that his High School certificate, which he has placed on record, clearly shows his date of birth to be 05.06.2000, which is the date on his Aadhaar Card as well. He further submitted that this change in his date of birth and name was done as per the applicable rules and was duly accepted by the Unique Identification Authority of India [UIDAI].



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9. To strengthen his plea, the petitioner placed reliance on a judgment dated 23.08.2024 of the High Court of Andhra Pradesh titled ***Chandaka Bala Krishna & Ors vs. Union of India & Ors*** in W.P.(C) 20177/2022 wherein in similar facts and circumstances, the writ petition was allowed.

10. *Per contra*, the learned counsel for the respondents, seeking dismissal of the writ petition, submitted that INS Chilka, in accordance with the directives of IHQ, MoD(N) has made Aadhaar verification a mandatory process for any candidate to be eligible for being admitted in INS Chilka and failure to do so would result in the rejection of the candidate. He submitted that Commander, Coast Guard District No.7 at Paradip, Odissa visited INS Chilka to enquire about the rejection of candidates and *vide* his report dated 18.06.2023, intimated that the candidature of several other candidates was also cancelled during Aadhaar verification at INS Chilka, on grounds of fraudulent entry.

11. Learned counsel submitted that the petitioner had changed his name and date of birth on various occasions, thereby creating a suspicion regarding his true identity and antecedents. An individual being inducted into the Indian Coast Guard has access to sensitive information at the base he is serving at, and candidates whose antecedents are doubtful could be detrimental to the secrecy and security of such bases. The petitioner's rejection, he submitted, was done in the interest of national safety and security and therefore, the writ petition be dismissed.



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12. Mr. Burnwal, while drawing this Court's attention to the guidelines issued on its portal/website by UIDAI, pointed out the Clause at the bottom of the page, which clearly states that a citizen can only update his/her date of birth once in a lifetime. In the present case, however, the petitioner has done the same thrice, making the changes in direct contravention of the guidelines issued by the Government of India.

13. Having considered the factual matrix, the submissions of the learned counsels, and perused the record, we find that the controversy in the present case arises with respect to the genuineness of the Aadhaar Card furnished by the petitioner, along with the other documents, as required by the respondents. The respondents found that the petitioner had got his name changed twice and date of birth changed thrice in the Aadhaar Card, which they found suspicious, presuming that the Aadhaar Card was wrongly procured and therefore, cancelled the candidature of the petitioner. It is needless to mention that the process of document verification involves authenticating a document in order to ensure that the same is genuine and true for its intended purpose. At the time of selection of a candidate for a post in the Force, various documents are required to confirm the identity of such candidate, as well as other particulars of his eligibility to the said post. The Aadhaar Card is one such vital document required to establish the identity of a person.

14. In order to gain an understanding of the changes made by the petitioner, it may be necessary to reproduce the chart, as given by the petitioner in his petition, which is as under:-



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<i>Date of request for correction</i>	<i>Corrections Requested</i>	<i>Reason for present mistake/error in Aadhaar</i>	<i>Remarks</i>
22.09.2014 (P1)			<i>Initial Aadhaar Enrolment DOB mentioned 13.03.1997 (Declared)</i>
06.06.2016 (P2)	<i>Name: Vikki Kumar Paswan and DOB: 05.06.2000</i>	<i>Nickname (Billu Kumar Paswan) and wrong DOB (13.03.1997) was declared by parents due to unawareness</i>	<i>This time, Name and DOB were declared on the basis of educational documents.</i>
06.06.2017 (P3)	<i>DOB: 05.05.1999 (Declared)</i>	<i>Petitioner wanted to fulfill the 18 years age criteria for working in the company.</i>	<i>DOB was declared this time too. Petitioner was minor and this was the only time when the petitioner made a mistake but later, he realized his mistake and reported CSC Centre after 6 days for correction.</i>
12.06.2017 (P4)	<i>DOB: 05.06.2000</i>	<i>Petitioner realized the mistake he made by requesting the change in his dob.</i>	<i>DOB was still declared but it could not be changed in view of the previous request in progress.</i>
04.11.2020 (P5)	<i>DOB: 05.06.2020</i>	<i>DOB could not be changed by previous request.</i>	<i>This time the petitioner produced educational documents for verification in DOB.</i>

15. From the aforesaid, what emerges is that the grandfather of the petitioner, while applying for the Aadhaar initially, introduced him as Billu Kumar Paswan, which was his nickname. Further, his date of birth was also randomly informed by his grandfather. Thereafter, the parents of the petitioner had got the nick name of the petitioner, that is, Billu Kumar Paswan, corrected to his real name, that is, Vikki Kumar Paswan and had declared his date of birth to be 05.06.2000, on



the basis of his educational documents. The learned counsel on behalf of the petitioner has contended that the petitioner belonged to a humble background, his brother being a vegetable vendor and his father a farmer and therefore, due to such circumstances of his family, he was forced to earn at a young age. Since he was a minor at that time not having completed 18 years of age, and being unaware about the repercussions of changing the date of birth, he applied for correction of his date of birth in his Aadhaar Card. While his request was being processed, he realized his mistake and reapplied for the change of his date of birth as mentioned in his educational documents, that is, 05.06.2000, which after verification was changed in his Aadhaar Card. He submitted that there was no fraudulent intention or *mala fide* on the part of the petitioner in making such changes in his Aadhaar Card. Had that been the case, he would not have applied for the said changes.

16. Needless to say, even the High School Leaving Certificate issued to the petitioner mentions his date of birth as 05.06.2000 and his name as Vikki Kumar Paswan. The respondents have not verified the High School Leaving Certificate of the petitioner to ascertain if the information furnished by the petitioner to the respondents regarding his name and date of birth was incorrect. The petitioner claims to have submitted other documents as well to the respondents to prove his identity and date of birth. No effort was made by the respondents to verify the same. Therefore, the respondents have failed to establish that the petitioner had tried to manipulate his date of birth in the Aadhaar Card furnished by him, as there is no mismatch regarding his



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personal information in the Aadhaar Card and the various other documents provided by him to the respondents. Moreso, the petitioner had applied for the aforementioned corrections in his Aadhaar Card on 12.06.2017, whereas he had applied to join the Indian Coast Guard pursuant to the Notification No. 01/2023, which is well before the petitioner applied for the said post.

17. It also may be noted that the UIDAI, being the body responsible for issuing the Aadhaar Cards, has not raised any objection regarding the changes made by the petitioner in his Aadhaar Card. It is, therefore, not open to the respondents to contend that the changes were not permitted in terms of the guidelines issued by the UIDAI.

18. In view of the above, the respondents have failed to even remotely indicate that the petitioner was intending to produce a fraudulent Aadhaar Card. The respondents ought to have scrutinized all the documents produced by the petitioner in conjunction, to verify the particulars of his name and date of birth.

19. Having considered the above, the decision of the respondents to reject the candidature of the petitioner cannot be sustained and is accordingly quashed.

20. We, in these circumstances, direct that the respondents shall carry out a verification of the other documents submitted by the petitioner to prove his identity and date of birth. If the petitioner's identity and date of birth are found to be correct, then subject to the petitioner completing all the other requisite formalities and clearing all the subsequent stages, including the medical examination, the petitioner shall be allowed to join the Induction Course with the next



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batch. However, it is made clear that his seniority shall be reckoned with his current batchmates of NAVIK(GD) CGEPT-01/2023 with all consequential benefits except that he shall not be entitled to payment of salary for the said period.

21. In the aforesaid terms, the petition is disposed of.

SHALINDER KAUR, J

NAVIN CHAWLA, J

NOVEMBER 07, 2024/ab/fk

Click here to check corrigendum, if any