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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11119/2022, CM APPL. 32637/2022**

RAHUL

..... Petitioner

Through: Mr. Vishal Kalra, Advocate

versus

**UNION OF INDIA THROUGH MINISTRY OF DEFENCE AND
ORS**

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Deputy Commandant Ratan, for R-1
to 3
Mr. Negi, Officer from Indian Cost
Guard

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

16.04.2024

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1. This petition has been filed by the petitioner with the following prayers:

I. Pass an order directing the act of respondents, more so specifically Respondent No. 3 declaring the petitioner not to be a bonafide candidate on account of false information in application form to be arbitrary, disproportionate and unjustified.

II. Pass an order directing the respondents to allow the petitioner for necessary correction/rectification in the application form of the petitioner, more so specifically w.r.t. Date of Birth of the petitioner.

III. Pass an order directing the respondents to consider the petitioner for Stage -- 3 i.e., medical examination which is scheduled to be held on 26.07.2022 for recruitment of Navik (DB) - 02/2022 batch.



IV. Pass an order directing the respondents to decide the representations made by the petitioner dated 21.07.2022 and 24.07.2022.

V. Pass any such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the abovementioned case.

2. The challenge in this petition by the petitioner is to the rejection of his candidature for the post of Navik on the ground that there is a mismatch of the date of birth in the application form and the Birth Certificate submitted by him. We find that the mismatch, is as against the date of birth of December 2, 2002, the petitioner has in the application stated, the date of birth as December 1, 2002. The submission of learned counsel for the petitioner is that it was an error which took place while the petitioner was filling the application form. There is no malafide on the part of the petitioner to submit the application form with wrong date of birth as December 1, 2002.

3. We have also heard Mr. Negi, the officer of the respondent. Mr. Negi concedes to the fact that there was no malafide on the part of the petitioner, but there being a mismatch in the date of birth as stated in the application form against the date of birth certificate produced by the petitioner, the same is a sufficient ground to reject the candidature.

4. Having heard the counsel for the petitioner and Mr. Negi for some time, we are of the view that there is no malafide on the part of the petitioner to state his date of birth as December 1, 2002.

5. One of the submissions of the learned counsel for the petitioner is that petitioner being of the age of 22 years, which is the maximum age, this shall be his last opportunity to seek selection to the post of Navik.



6. If that be so, we direct that the petitioner shall be permitted to apply for the ensuing recruitment process to the post of Navik. He shall submit the application for within two weeks from today on the e-mail given by Mr. Negi in the Court to the counsel for the petitioner to enable the respondents open the portal for the petitioner to submit the application.

7. The said application form, if it is found in order shall be accepted and the petitioner shall be permitted to appear in the recruitment process. Further action shall be taken in terms of the advertisement/rules governing by the recruitment.

8. The petition is disposed of.

9. It is made clear no further opportunity to appear in the recruitment process beyond the permissible age, shall be allowed except the one which has been directed by us in this petition.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 16, 2024/akr