



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

% *Date of decision: February 27, 2024*

+ W.P.(C) 12579/2022

(1) ARUN AND ORS. Petitioners

Through: Mr. R.K. Ojha, Advocate

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar
Mishra, Mr. Alexander Mathai
Paikaday and
Mr. Krishnan V., Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

SAURABH BANERJEE, J. (ORAL)

CM APPL. 10015/2024

1. For the reasons stated in the application, the same is allowed and the matter is taken up for hearing today itself.

2. The application stands disposed of.

W.P.(C) 12579/2022

3. The respondents herein issued online application for the post of Navik (General Duty), in the Indian Cost Guard (*ICG*) vide advertisement dated 04.01.2022, wherein all the petitioners had applied, appeared and cleared Stage I, II and physical fitness test out of the *four* stages involved. Thereafter, during verification of the original documents stage, due to



mismatch of information, the candidature of the petitioners was cancelled, to this the petitioners preferred a representation dated 26.07.2022 to the respondent no.2, which has not been replied by the respondents.

4. Aggrieved thereby the petitioners preferred the present petition under Article 226 of The Constitution of India challenging the action of respondents in setting aside their candidature and allow them in the final merit list of Batch 02/2022.

5. Learned counsel for the petitioners submits that the mismatch was due to typographical errors on the part of the cybercafé operators and is not attributable to the petitioners, moreover, the respondents never gave any chance to the petitioners to ratify their mistake which is against the policies of the respondents. As such, as per learned counsel for the petitioners, the candidature of the petitioners should not be cancelled.

6. *Per-Contra* learned counsel for the respondents submits that the petitioners ought to be more careful whilst submitting their form, moreover, the advertisement in para 6(b)(ii) had mentioned that in case of discrepancy, the candidature of the candidate would be cancelled. The learned counsel for the respondents further submits that if the prayers of the present petitioners are allowed, it would cause injustice to the selected candidates since there are limited seats and whence the selected candidates were watchful/ diligent.

7. We have heard the learned counsel for the parties and perused the documents on record as well.

8. *Admittedly*, there is no dispute by the petitioners to the fact that they were bound to comply with the pre-requisite stipulations, especially those contained in para 6(b)(ii), of the aforesaid advertisement. Therefore,



if there was any mismatch with the information provided by a candidate like the petitioners herein, the same would lead to cancellation of candidature of all such candidates, including the petitioners herein. Relevant extract of the said para 6(b)(ii) of the advertisement is reproduced below:

“(ii) Document Verification (Provisionally Pass/Fail). All the information provided in the online application has to match with all the original documents like grade X/XII/ Diploma mark sheet/photo Identity card/caste certificate/individual subject and aggregate marks. Any inconsistency in all the documents and application with respect to "Name, Date of birth, Parent's name, Percentage of marks, Validity of documents, Caste certificate details etc." will lead to failure in document verification and the candidature will be cancelled. The date of issue of all documents has to be the closing date of application or any date prior to closing date of application. The validity of all the uploaded documents has to be at least up to 31 Oct 2022. In case of any mismatch of information provided in the application form, document uploaded (at online application Stage-I and II) and original documents produced for physical verification at Stage-II then the candidature will be cancelled. Any false declaration in the online application.”

9. It is also a matter of fact that the petitioners provided incorrect information(s) like their percentage, their date of issue of caste certificate, their date of issuance of marksheet or like, which in themselves are a sufficient ground(s) for rejection of their candidature.

10. Considering the aforesaid, there was no margin of error for the petitioners and there was hardly any scope left for the respondents to grant any opportunity to the petitioners for being considered.

11. Furthermore, *admittedly*, the respondents did not have any role to play in the petitioners filling up the online application form. Under such circumstances, the respondents by no means can be held liable or can be attributed to them for any lapse on the part of the petitioners. As such, the



respondents cannot be mulcted with something for which they are nowhere accountable. Thus, the petitioners in no manner can be entitled for or granted any special equity. Incidentally, this Court finds that a Coordinate Bench of this in *Parvinder vs Union of India &Ors.* 2022:DHC:487-DB as also in *Pradeep Kumar vs Union of India &Ors.* 2022:DHC:288-DB, also denied similar reliefs under similar circumstances as those involved in the present petition.

12. In view of the aforesaid discussion and settled law, this Court finds no merit in the present petition. Accordingly, the present petition is dismissed, leaving the parties to bear their own respective costs.

SAURABH BANERJEE, J.

V. KAMESWAR RAO, J.

FEBRUARY 27, 2024/So