



2024:DHC:8902-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 21.10.2024.
Pronounced on: 19.11.2024

+ W.P.(C) 11443/2023&CM APPL. 44554/2023
RONGALI NAIDUPetitioner
Through: Mr.Abhinay Sharma, Mr.
Pooran Chand Roy, Ms.
Deeksha Prakash, Ms.Parul
Khurana & Ms. Kirti Vyas,
Advs.
versus

INDIAN COAST GUARD THROUGH ITS DIRECTOR
GENERAL & ORS.Respondents
Through: Ms. Pratima N. Lakra, CGSC
with Mr. Chandan Prajapati,
Adv.

+ W.P.(C) 13920/2023&CM APPL. 54987/2023
PINNINTI MOHAN REDDYPetitioner
Through: Mr. Abhinay Sharma, Mr.
Pooran Chand Roy, Ms.
Deeksha Prakash, Ms. Parul
Khurana & Ms. Kirti Vyas,
Advs.
versus

INDIAN COAST GUARD THROUGH ITS DIRECTOR
GENERAL & ORS.Respondents
Through: Ms. Sarika Singh, SPC with
Mr. Rishav Dubey, GP for UOI.

+ W.P.(C) 14099/2023&CM APPL. 55796/2023
KALLA CHANDRASEKHARPetitioner
Through: Mr. Abhinay Sharma, Mr.
Pooran Chand Roy, Ms.
Deeksha Prakash, Ms. Parul



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Khurana & Ms. Kirti Vyas,
Advs.

versus

INDIAN COAST GUARD & ORS.Respondents
Through: Ms. Shagun Shahi Chugh, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

SHALINDER KAUR, J

1. The present writ petitions, under Article 226 of the Constitution of India, have been filed by the petitioners, who are candidates aspiring to join the Indian Coast Guard/respondent no.1 as Navik (General Duty), impugning the recruitment advertisement issued by the respondent no.1 for the 02/2022 batch, as their candidature was rejected *vide* three emails, all dated 05.07.2022.

2. Before we delve into the facts leading to the filing of the present petitions, it may be necessary to point out that the candidature of the petitioners in W.P.(C) 11443/2023 and W.P.(C) 13920/2023 was rejected on the ground of an alleged discrepancy in their class 10th marks, whereas the candidature of the petitioner in W.P.(C) 14099/2023 was rejected on the ground of an alleged mismatch in the name of the petitioner's father on the Caste Certificate and discrepancy in the date of issue of the class 10th certificate.

3. As all the three petitions involve similar issues of law and facts, they are being taken up together for their disposal by way of this



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common judgment. For the sake of brevity, we will refer to the petitioner in W.P.(C) 11443/2023 as petitioner no.1, the petitioner in W.P.(C) 13920/2023 as petitioner no.2, and the petitioner in W.P.(C) 14099/2023 as petitioner no.3.

4. The petitioner no.1 hails from Pingadi village in Visakhapatnam and belongs to the Koppula Velama, which is recognized as a backward class under the Other Backward Class (OBC) (non-creamy layer) category by the Government of India. The petitioner no.2 hails from the Gopalapatnam village in Visakhapatnam and belongs to the Kemapre or Redoika (OBC) category, and the petitioner no.3 hails from the Phakeerupeta village of Srikakulam district and belongs to the Yadava (Golla) community, which is also recognized as an OBC (non-creamy layer) by the Government of India. All the three petitioners are natives of the State of Andhra Pradesh.

5. The respondent no.1, through a recruitment advertisement issued on 04.01.2022, had invited applications for appointment to the post of Navik (Domestic Branch), Navik (General Duty), and Yantrik for the 02/2022 batch. The petitioners had applied for the post under the OBC category on 07.01.2022, 11.01.2022 and 05.01.2022, respectively.

6. Subsequently, a provisional admit card for Stage-I was issued to the petitioners, and they appeared for their written examination, which they qualified at the end of March, 2022. Upon clearing the said examination, the petitioners uploaded their documents as mentioned in Clause 7 of the said recruitment advertisement. On uploading these documents, the petitioners became eligible to download their



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provisional admit cards for the Stage-II examination and appeared at Visakhapatnam for the same. The petitioners also appeared for and passed the Physical Fitness Test (PFT) as well as the document verification stage.

7. It is the case of the petitioner no.1 and 2 that inadvertently, while calculating their percentage of marks obtained in class 10th, they multiplied their GPA by 10 instead of 9.5. However, the same was verified at the time of the document verification, and no mismatch was found. In the case of the petitioner no.3, owing to COVID-19, he was not in possession of his original class 10th mark sheet and, therefore, added an approximate date for the issuance of the same and informed the respondents as to his reason for doing so. This explanation was accepted by the respondents at the time of document verification. Since the respondents were satisfied with the documents produced by all the petitioners at Stage-II of the document verification, they were provisionally declared as having passed.

8. However, to the utter shock of the petitioners, the respondent no.2, through its impugned emails dated 05.07.2022, informed the petitioners that their candidature was rejected. The petitioner nos.1 and 2 were informed that their candidature was rejected on the ground that they had entered false information in their applications in so far as they had applied the wrong conversion formula while calculating their class 10th percentage and failed the document verification as per paragraph 6(b)(ii) of the said recruitment advertisement and paragraph 14, note (ix), (xxiii), (xxiv) and (xxv) of Appendix-A of the E-admit card. The candidature of the petitioner no.3 was rejected on the



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grounds of a mismatch of his father's name in the Caste Certificate, as well as an incorrect 'date of issue' of the class 10th certificate, and he failed the document verification as per the aforesaid terms of the recruitment advertisement as well as the E-admit card. This decision was uploaded on the Indian Coast Guard portal on 15.07.2022, intimating the petitioners that they were not shortlisted for Stage-III as they had failed Stage-II of the document verification.

9. Aggrieved, the petitioners made various representations to the respondent no. 1, seeking a redressal of their grievance, however, to no avail.

10. It may be necessary to mention here that the Director General of Government Examinations (DGE), Andhra Pradesh, on 09.01.2023, issued a clarification stating therein that there is no explicit procedure to convert grades into marks. This 'No Conversion Formula' certificate could be utilized by any candidate who passed the SSC Public Examination from the Board of Secondary Education between the years 2012 to 2019. The petitioner no.1 & 2, in light of this, were given a verbal assurance that their candidature would be considered for the next batch. However, no such action was taken on this assurance. Since the petitioners received no response from the respondent no. 1, they filed the present writ petitions before this Court.

SUBMISSIONS OF THE PETITIONERS

11. In support of the petitions, the learned counsel for the petitioners, Mr. Abhinay Sharma, submitted that the respondents have erroneously and arbitrarily rejected the candidature of the petitioners,



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despite them clearing the documents verification process at Stage-II. Further in support of the case of the petitioner nos.1 and 2, the learned counsel, while placing reliance on the clarification issued on 09.01.2023, stated that since there was no specific formula that was prescribed for the conversion of grades into marks, the petitioners applied the general formula, which is the GPA multiplied by 10. Therefore, the case of a mismatch, as alleged by the respondents, is incorrect.

12. Further endorsing the case of the petitioner nos.1 and 2, the learned counsel submitted that the percentage of marks in class 10th was not a determining factor for the eligibility of the petitioners. He submitted that the purpose of the class 10th mark sheet was merely to demonstrate that a candidate had passed the said class, and the percentage of marks scored therein was not relevant in deciding the eligibility of the petitioner nos. 1 and 2.

13. He contended that no wrongful advantage has been gained by the petitioners by applying the general conversion formula, as the petitioners did not become eligible only due to them applying this formula instead of the formula that the respondents in hindsight would have preferred them to apply. He submitted that the petitioners are eligible for appointment under both the formulas. He further submitted that the candidature of the petitioner nos.1 and 2 has been rejected due to an inadvertent mistake on behalf of the petitioners coupled with the hyper-technical approach adopted by the respondents.

14. As far as the case of the petitioner no. 3 is concerned, the learned counsel urged that the recruitment officials, while examining



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his documents, declared the petitioner no.3 as provisionally passed in Stage-II, thus, the candidature of the petitioner no.3 could not have been rejected by the respondents.

15. With respect to the discrepancy *vis-a-vis* the father's name of the petitioner no. 3 in the Caste Certificate, the learned counsel submitted that the error in recording the petitioner no.3's father's name was made by the Certificate Issuing Authority and was not an error made by the petitioner no.3. While recording his father's name, the Issuing Authority forgot to mention the surname of his father. This error, he submitted, was a typographical error and nothing more. He further submitted that upon rejection of his candidature, the petitioner no.3 communicated this discrepancy to the respondents, however, he was not given an opportunity to rectify it. The learned counsel placed reliance on the decisions of this Court in ***Ahire Ajinkya Shankar vs. Indian Coast Guard & Ors.***, (2023) SCC OnLine Del 5726, and ***Chape Prajwal Laxmanrao vs. Union of India & ors.***, (2023) SCC Online Del 4838.

16. The learned counsel for the petitioners submitted that the errors made by the petitioners were devoid of any *malafide* intent and were merely human errors. There were several other documents filed on record by the petitioners that would clarify the alleged mismatch. The petitioners, he submitted, all belongs to the OBC category and therefore, certain discrepancies while filling the application forms should not be treated with such stringency and should be relaxed.

SUBMISSIONS OF THE RESPONDENTS



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17. Proceeding to controvert the arguments of the petitioners, the learned counsel for the respondents urged that the writ petitions, being meritless, should be dismissed at the threshold, as it was the negligence of the petitioners that caused the rejection of their candidature.

18. Insofar as the case of the petitioner no.1 is concerned, she submitted that there was also a discrepancy with respect to the class 12th marks of the petitioner no. 1. However, the said mismatch was not published in the declaration of the final result of the candidate. On further perusal of the documents, it was found that there was a mismatch in his class 10th percentage as well.

19. She submitted that in addition to the petitioner no.1 incorrectly multiplying to calculate his class 10th percentage, the petitioner no. 1 had also incorrectly mentioned his class 12th percentage. Moreover, the stand taken by the petitioner no.1 that he was declared provisionally passed by the recruitment officials is incorrect, as the candidates are not informed of their result. Further, the candidate was informed of the discrepancy and he signed on the discrepancy sheet as well. Reference in this regard was made to the decision of this Court in **Rohit Kumar vs Union of India &Ors.**, WP(C) 15051/2021.

20. The learned counsel, premising her argument on the abovesaid footing, submitted that the ground taken by the petitioner no.2 that he was declared provisionally passed is incorrect, as the result is not disclosed to the candidates during the Stage-II. In addition to this, and similar to the case of the petitioner no.1, the stand that verbal affirmations were provided to the petitioner no.1 and 2 is incorrect, as



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the recruitment process is a professional and transparent one and no verbal affirmations are given to any individual. Similarly, the petitioner no.2 had also signed the discrepancy sheet, admitting the mismatch of his class 10th marks. It is further submitted that, in the documents provided by the petitioner no.2, he had uploaded a document that stated that an overall indicative percentage can be obtained by multiplying the GPA by 9.5.

21. The learned counsel further submitted that the petitioner no.3, instead of uploading the OBC certificate, as he was not in possession of the same at the time, uploaded the community and nativity and date of birth certificate, which have no relevance to the OBC category. She submitted that the correct certificate, which is annexed with the writ petition was only uploaded once the Stage-II recruitment process was over and was never submitted to the respondents. The OBC certificate, which was sent subsequently, also mentioned the name of the father of the petitioner no.3 incorrectly.

22. In these circumstances, the learned counsel for the respondents prayed that the writ petitions be dismissed.

FINDINGS AND ANALYSIS

23. Having considered the submissions of the learned counsels for the parties and perused the record, at the outset, we may mention that the candidates are required to strictly adhere to the conditions laid down for recruitment to the Indian Coast Guard and to provide the information as specified by the respondents in the advertisement, as any deviation in information would result in their disqualification and any unwarranted relaxation granted in their favour would cause



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injustice to other candidates. The process of document verification is an important step in the recruitment process to the Indian Coast Guard or any other Force. This is an obligatory process, required to segregate those candidates who fail to adhere to the norms and guidelines set out by any such Force. Nonetheless, each case is to be looked into for its individual facts and circumstances, and there cannot be a strait jacketed formula to balance the administrative difficulties that may arise as a result of rectifying a lapse.

24. In this regard, it would be apposite to refer to the decision of this Court in the case of ***Union Public Services Commission vs. Tarun Arora***, W.P.(C) 3003/2016, decided on 01.02.2017, wherein it has been held as under:-

“14. We appreciate and can understand the frustration of the respondent as he has the requisite qualifications, yet would suffer for the lapse and error on his part in filling the online application form. At the same time, to accept the plea of the respondent in the present case would lay down the wrong precedent, which would lay the foundation for administrative confusion and chaos. The selection process would halt, get stalled, and would possibly collapse.

15. The Courts, while examining such issues have to maintain a right balance between the mistake and chance to rectify the lapse, and the administrative difficulties and consequences. Administrative difficulties, thus, should be balanced with the adverse impact befalling the candidate. A strait jacket precept may not be universally applicable. The nature of the selection process, the terms stipulated, whether the rectification and amendment would make the selection process unyielding and unmanageable, are different facets which must be considered. Where the application



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forms are vague and unclear, the benefit must and should be given to the applicant.

16. In the present case, the administrative difficulties which are compelling must be given primacy, for otherwise the selection process would be impede, become disorderly and crumble. The present case does not warrant indulgence and concession to the respondent.”

25. From a perusal of the abovementioned decision, it emerges that the Court, while examining the mismatch in the documents furnished by a candidate, has to maintain an appropriate balance between the mistake and the chance to rectify the same, as well as the administrative difficulties and consequences. In light of this settled position of law, the limited question for determination before this Court is whether certain discrepancies pertaining to the documents produced by the petitioners can be overlooked as innocent errors or be construed to be a lapse on the part of the petitioners in filling the online application forms. Thus, we proceed to deal with the documents furnished by the petitioners.

26. Insofar as the documents furnished by the petitioner nos.1 and 2 are concerned, they calculated the marks obtained by them in the Class 10th examination by multiplying their GPA by 10 instead of 9.5. The petitioners have taken the plea that in the absence of a specific formula for converting the GPA into percentage of marks obtained by a candidate, it cannot be said that the petitioner nos. 1 and 2 applied the formula incorrectly. Furthermore, the DGE, Andhra Pradesh, had issued a certificate in the form of a clarification dated 09.01.2023, which clearly states that there is no specific conversion formula for converting grades into marks. This certificate could be utilized by any



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candidate who had passed the SSC Public Examinations from the Board of Secondary Education, Andhra Pradesh, between the years 2012-2019, for the purpose of admission or recruitment. It was contended that since the case of the petitioner nos.1 and 2 clearly falls under the ambit of this clarification issued by the DGE, there can be no ground to reject the candidature of the petitioner nos.1 and 2.

27. Opposing this stand taken by the counsel, the learned counsel for the respondents had contended that the petitioner no.1 had not only incorrectly entered his class 10th marks but also his class 12th marks. The discrepancy in his class 10th marks reflected that the petitioner no.1 had multiplied his GPA by 10, making it 62%, however, the same should have been multiplied by 9.5, resulting in 58.9%. The petitioner no.2 had committed the same error, as his percentage should have been 57%, not 60%. Additionally, she submitted that the petitioner no.1 had also incorrectly entered his class 12th marks as 71.02% in his online application, whereas his original mark sheet reflected 72.90%. This discrepancy in the class 12th mark, however, was not published as a ground while declaring the final result of the candidate; it only came to light during further document verification when the discrepancy in the class 10th marks was discovered.

28. In order to appreciate the plea of the petitioner nos. 1 and 2, it may be necessary to reproduce the clarification dated 09.01.2023, as issued by the DGE, Andhra Pradesh.

"In compliance with the orders of the Government of Andhra Pradesh, the "Absolute Grading System" was introduced in the state for assessment in the SSC Public Examinations from the year 2012, and only the "Grades"



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Secured by the candidate are indicated on the Secondary School Certificate from the years 2012 to 2019.

The Marks secured by the candidates are converted into Grades & Grade Points using the methodology which is indicated on the rear side of the SSC Certificate and there is no explicit procedure to convert the Grades into Marks as of this day.

Thus, this "No Conversion Formula" Certificate may be utilized by the Candidates who had passed the SSC Public Examinations from the Board of Secondary Education, A.P., from the years 2012 to 2019 and who require CGPA to Marks/Percentage conversion for the purpose of Admissions or recruitments and this shall be valid until further orders."

29. In light of this clarification issued by the DGE, we are unable to accept the plea of the respondents that the petitioner nos. 1 and 2 had incorrectly applied the conversion formula. In the absence of a specific formula, the petitioner nos.1 and 2 cannot be faulted for using a formula which is different from the one which the respondents would have preferred them to apply. We have also perused the guidelines set out by the Indian Coast Guard for the 02/2022 batch and find no mention of any formula for the conversion. Moreover, the respondents have failed to show what advantage the petitioners would gain in the selection process by adopting the formula adopted by them instead of the one that the respondents would have preferred them to apply. It appears that the petitioner nos. 1 and 2 have unwittingly calculated the marks obtained by them in the Class 10th examination by applying the multiplier of 10. The petitioner nos.1 and 2, who are



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otherwise meritorious, cannot suffer due to a minor discrepancy and a *bona fide* mistake, if it is at all a mistake.

30. Insofar as the case of the petitioner no. 3 is concerned, one of the objections raised by the respondents is that the petitioner no.3 uploaded a community, nativity, and date of birth certificate instead of an OBC certificate. However, upon reviewing the record, we find that in the e-mail sent by the respondents rejecting the candidature of the petitioner no. 3, there is no mention of such error committed by the petitioner no.3, his candidature was rejected solely on the ground of a mismatch in his father's name in the Caste Certificate and a discrepancy in the date of issuance of his Class 10th Certificate.

31. Turning to the second objection, which is that the petitioner no 3 incorrectly entered the date of issuance of his Class 10th Certificate, and his father's name has not been properly entered in his Caste Certificate. In the application form, the petitioner no 3 has mentioned his father's name as 'Kalla Seetaramulu' whereas, in the Caste Certificate, it appears as 'Seetaramulu'. Thus, it is evident that the full name of the father of the petitioner no. 3 was not mentioned in the Caste Certificate, and only the first name has been mentioned. Therefore, there was no valid reason for the respondents to have rejected the candidature of the petitioner no. 3 on the ground of mismatch in the name of the father, especially without verifying the accuracy of the certificate. Moreover, in the educational certificates placed on record, the name of the father is mentioned as 'Kalla Seetaramulu'.



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32. As far as the mention of the incorrect date of issuance of the class 10th Certificate in the application form is concerned, it was an unintentional error, which has been explained by the petitioner no. 3 stating that this was due to the delay in receiving his original mark sheet because of COVID-19. Again, without verifying the authenticity of the certificate and merely on this unintentional default, in our opinion, the candidature of the petitioner no. 3 should not have been cancelled.

33. Needless to say, the respondents have miserably failed to consider the actual purpose of document verification, which is primarily to ensure that there is no impersonation or incorrect document furnished by a candidate seeking enrolment in the Force. The respondents have failed to place on record any such information, which may reflect that the petitioners attempted to mislead the respondents or impersonate someone by hiding the correct information. Rather, they seem to be innocent errors committed by the petitioners, owing to their humble background.

34. We may also refer to the decision of the High Court of Andhra Pradesh in the case of **Chandaka Bala Krishna and Others vs. The Union of India and Others** (W.P.(C) 20177/2022), wherein the Court allowed the claim of similarly situated candidates, belonging to the same batch as the petitioners. This decision has already been implemented by the respondents.

35. The respondents have, in their counter affidavit, placed reliance on **Rohit Kumar** (supra), however, in the said case, the candidature of the petitioner therein was rejected on the ground that the OBC



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certificate uploaded by him was not as per the required format as set out by the Advertisement CGEPT-01/2022 Batch. Additionally, the petitioner therein had submitted two different OBC certificates, thereby creating ambiguity regarding the authenticity of such certificates.

CONCLUSION: -

36. In the light of the aforesaid, we find ourselves unable to sustain the submissions of the respondents, and, therefore, the actions of the respondent communicated *vide* emails, all dated 05.07.2022, deserve to be quashed. Accordingly, the decision of the respondents in declaring the petitioners as 'failed' in Stage-III is set aside. However, we direct that the respondents shall carry out a verification of the OBC Certificate of the petitioner no. 3. Further, if necessary, the respondents should verify the Class 10th mark sheets of the petitioner nos. 1 and 2.

37. Having said so, the remaining question for our consideration concerns the consequential relief sought by the petitioners. The petitioners have contended that the respondents be directed to induct them into the ongoing recruitment process for batch 02/2023. Taking into account that the petitioners may not have cleared the subsequent formalities, we direct the respondents, that subject to the verification of the aforesaid documents being carried out by the respondents, and the petitioners completing all the other requisite formalities and subsequent stages of examination, including the medical examination, to allow the petitioners to join the Induction Course with the next batch. However, it is made clear if they clear the selection process,



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their seniority shall be reckoned with their batch mates with all consequential benefits, except that they shall not be entitled to salary for the said period.

38. In the aforesaid terms, the petitions are allowed and the pending applications are, accordingly, disposed of.

(SHALINDER KAUR)
JUDGE

(NAVIN CHAWLA)
JUDGE

NOVEMBER 19, 2024
FK/SU

Click here to check corrigendum, if any