

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-175-2021 (O&M)

Decided on 30.10.2025

Gurwinder Singh

... Petitioner

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RD Bawa, Advocate,
Mr. Samuel Gill, Advocate, and
Mr. Randhir Bawa, Advocate for the petitioner

Mr. Shivoy Dhir, Advocate, Sr.Panel Counsel, for the respondents

Sandeep Moudgil, J.

- (1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of certiorari for quashing the impugned orders dated 10.12.2020 (Annexures P10 & P11), passed by respondent No.6 vide which the services of the petitioner have been ordered to be terminated. A further direction is sought to the respondents to adjust the petitioner on the post of Driver MT (OG) in view of the marks obtained by him.
- (2). Learned counsel for the petitioner contends that the petitioner had participated in the selection process for the post of driver, however, in the application form (Annexure P-2), inadvertently, he had mentioned his category as 'ST' (Scheduled Tribes) while appending a certificate showing him to be belonging to the Scheduled Caste category, with the application form. He submits that the petitioner had secured 84 marks as against the cut off marks of 74 in the SC category. It is contended that the petitioner ought to have been accommodated in the General category keeping in view the fact that the last candidate, who had secured 84 marks, was junior to the petitioner in age. It is

argued that even if the petitioner is to be taken as a candidate of 'SC' category, then also, he had secured 84 marks, whereas the last candidate in that category had secured 74 marks. He relies on *Jitendra Kumar Singh v. State of U.P. (2010) 3 SCC 119* to contend that reserved category candidates (SC/ST/OBC) who score higher marks than the last selected candidate in the general category must be placed in the general category merit list and not in the reserved category quota as such a principle ensures that merit prevails and the general category seats are filled by the most deserving candidates, regardless of their caste or category.

(3). Learned counsel then urged that a notice of termination dated 21.11.2020 (Annexure P-8) was on the ground that he had intentionally mentioned his category as 'ST' despite the fact that his certificate was showing him to be a candidate belonging to the 'SC' category and ultimately vide impugned orders dated 10.12.2020 (Annexures P10 & P11), the respondents have terminated the services of the petitioner, which is patently illegal and unjust in the eyes of law. He further contends that during selection process, the petitioner had informed the respondents that he should be treated as a candidate belonging to the 'SC' category.

(4). It is the submission made on behalf of the petitioner that the ticking of the “ST” (Scheduled Tribe) category in the application form was an inadvertent and bona fide mistake, as elsewhere in the same application he had clearly indicated his category as “SC” (Scheduled Caste) and had duly furnished the appropriate SC certificate on two occasions and as such, the error being axiomatically a clerical error which was pointed out by the petitioner at the time of the recruitment test also, the authorities failed to rectify this obvious

mistake, resulting in the petitioner being treated under the ST category to his detriment. Reliance has been placed on the judgment of the High Court of Allahabad in Satyendra Kumar Shukla v. State of U.P. (Writ-A No. 21117 of 2018) wherein it has been held that inadvertent errors in application forms should not defeat the substantial rights of otherwise meritorious candidates.

(5). On the contrary, learned Senior Panel Counsel for the respondents on the basis of the reply dated 20.07.2021 filed by DN Dahat, Commander HQ 16 BRTF, C/o 56 APO vehemently controverted the submissions made on behalf of the petitioner and submits that the application for the post of Driver MT (OG) was filled by the petitioner in an ambiguous and inconsistent manner, while he annexed a certificate for the SC category, he simultaneously marked his category as ST both in the application form and at each stage of the recruitment process, including the OMR answer-sheet. He would contend that the candidates are bound by what they have filled up in the application by which they would either survive or perish and as such, the respondents cannot look into every case where errors have crept in and it is for the candidates to be diligent while filling up the application and the respondents thus cannot be held responsible for any such error.

(6). He submits that the recruitment was conducted as per Advertisement No. 01/2019, which clearly fixed distinct cut-off marks for each category: 65% for General, 64% for SC, 54% for ST, 71% for OBC, and 50% for EWS, based on marks obtained by the candidate in 10th class examination. It is averred that the petitioner scored 61.8% in his 10th class, rendering him ineligible for consideration under the SC category, but eligible under the ST category based on the prescribed cut-offs and as such, the department processed

his candidature accordingly, issuing him a call letter under the ST category (Serial No. 131), which he accepted without protest, and he continued throughout the recruitment as an ST candidate, signing all related documents and declarations to this effect. At no point did the petitioner inform the respondents of any error or seek correction regarding his category, nor did he object to his inclusion in the ST list. It is argued that if the petitioner's application would have been considered under SC category, as he has now declared himself to be by appending the certificate, that itself mars the case of the petitioner as he could not have got the initial call letter as the cut off percentage for SC category was 64% whereas the petitioner had secured only 61.8% in his 10th class.

(7). The respondents contend that, notwithstanding the ambiguity presented by the petitioner declaring two different categories, they considered him to be a ST category candidate, in keeping with the rules and general instructions of the recruitment process. The respondents further maintain that the petitioner's challenge to his categorization and subsequent claim is not sustainable, as he fully participated in and derived the benefit of the recruitment process as an ST candidate and expressly declared his acceptance of the terms and eligibility criteria applicable to the category under which he was ultimately considered.

(8). Heard learned counsel for the parties.

(9). The present case reveals that the petitioner, while applying for the post of Driver MT (OG), committed an inadvertent mistake in marking his category as "ST" in the application form, despite consistently declaring his true status as "SC" both in the application form itself and by annexing the required

SC certificate twice. The petitioner's bona fides appears to be evident from his repeated disclosure of his correct category and his submission of authentic documentary proof, precluding any intent to misrepresent or gain an unfair advantage. The departmental authorities, however, failed to act on this clear evidence and persisted in considering the petitioner under the ST category at every stage, ultimately terminating his services solely on this curable technical ground.

(10). Where an error or discrepancy is apparent on the face of the record such as a mismatch between the category ticked in an application form and the annexed supporting certificate, it is well-settled that the recruiting authority bears a duty to scrutinize and verify such details in a fair and timely manner, rather than mechanically penalizing the candidate.

(11). However, it is instructive to refer to the judgment passed by the Karnataka High Court in **Hemanthkumar N v. State of Karnataka & Anr. (Writ Petition No.24847 of 2022)** which considered strikingly similar facts. In that case, a candidate genuinely belonging to the Scheduled Caste inadvertently marked "Scheduled Tribe" in his online job application and when this error was discovered at the document verification stage, the candidate promptly provided the correct SC certificate and explained the bona fide nature of the mistake. The Karnataka Public Service Commission, much like the present respondents, refused rectification and treated the candidate as ST, resulting in his exclusion from selection. The Court relied upon the decision of the Supreme Court in **Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754** and held that "*mere error in filling up an application will not change his caste status*" and criticized the Commission for

“glorifying a trivial human error,” for, such curable defects would not take away right of consideration for appointment of a Scheduled Caste candidate. It thus observed as under:-

“It is not in dispute that the petitioner is a Scheduled Caste. Mere error in filling up an application will not change his caste status. During the time of document verification, the petitioner had submitted his caste certificate depicting to be Scheduled Caste. The Commission could have corrected the error at that time. This human error is glorified by the Commission by declining to accede to the request for change of category at the time of document verification. It is not in dispute that the petitioner has secured high marks and would definitely come within the zone of consideration, if he was treated as a Scheduled Caste candidate. Treating him as a general merit or Scheduled Tribe candidate has taken away the consideration for appointment of the petitioner. The glorification of a trivial human error has resulted in loss of appointment to the petitioner, a Scheduled Caste candidate.”

(12). The Supreme Court in **Kumari Madhuri Patil & Anr. v. Addl. Commissioner, Tribal Development & Ors., AIR 1995 SC 94**, emphasized the obligation of authorities to conduct a thorough verification of caste certificates and to provide a fair opportunity for clarification or rectification before arriving at any adverse conclusion and that trivial or bona fide errors in recruitment applications such as an inadvertent error regarding category should not result in cancellation of candidature where the annexed documents substantiate the candidate’s true status.

(13). The respondent-authorities ought to have verified/scrutinized the certificates/documents including of caste, and if there was any discrepancy or ambiguity, the respondents could have provided an opportunity to the petitioner

to clarify or rectify the said error before arriving at any adverse conclusion. Thus, the onus lies on the recruiting authority to adopt a fair and transparent approach, ensuring that rectifiable clerical mistakes do not become fatal to an otherwise meritorious and genuine candidature. Moreover, the impugned orders were passed without assigning any reason for depriving the petitioner of his appointment.

(14). In view of the above discussion, this writ petition is allowed and the impugned orders dated 10.12.2020 (Annexures P10 & P11) are hereby quashed. As a consequence thereto, the petitioner shall be allowed to join his services with continuity as if the impugned orders were never passed. The petitioner shall be entitled for all service benefits including salary etc. and promotion.

(15). Ordered accordingly.

30.10.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No