HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 170/2025

1. Neeraj Singh S/o Vishan Swaroop, Aged About 36 Years, Vpo Moondiya, Tehsil Todabhim, District Karauli (Raj.).
2. Narendra S/o Bhalle Ram, Aged About 28 Years, Vpo Kuloth Kalan, Tehsil Sujangarh, District Jhunjhunu (Raj.).

----Appellants

Versus

1. State Of Rajasthan, Through Director, Department Of Homeopathy And Unani Medicine, Government Of Rajasthan, Jaipur (Raj.).
2. Dr. Sarverpalli Radhakrishan Rajasthan Ayurved University, Nagaur Road, Jodhpur (Raj.).
3. Office Of Chairman, Counseling Board, Through Chairman Of Dr. Sarverpalli Radhakrishan Rajasthan Ayurved University, Nagaur Road Karwar, Jodhpur (Raj.).

----Respondents

For Appellant(s)	:	Mr. Arun Dadhich
For Respondent(s)	:	Mr. Sunil Purohit

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

13/02/2025

Learned counsel for the appellants has submitted that the controversy involved in the present case is squarely covered by order dated 02.01.2025 rendered by the Division Bench of this Court in the case of ***Reena Choudhary Vs. State of Rajasthan & Ors. (D.B. Special Appl. Writ No.1175/2024)***. The relevant part of the order reads as follows:-

> *"5. This Court after hearing learned counsel for the parties observes that the recruitment of 2023 for the post of Compounder/Nurse Junior Grade, was to culminate into recruitment of 1262 posts which was later on reduced to 1015 posts. The appellant filled the application form for the said*

post under the non-TSP category while holding the eligibility qualification of three year diploma in Ayush Nursing Course and also having registration with the Rajasthan Ayurveda Nursing Council. However, unfortunately during the scheduled correction process while correcting the year of qualification, the appellant made a trivial mistake of changing the non-TSP category into TSP category for no good reason, as neither she was having any kind of authorization to go ahead in the TSP category nor did she aver any claim over the TSP area.

5.1. This Court in light of the aforementioned, observes that in the instant case, the following issue falls for determination of controversy involved herein:

> *Whether the error committed in the application form is a material or a trivial error and resultantly, whether the impugned order dated 22.08.2024 passed by the learned Single Judge of this Hon'ble Court in S.B.C.W.P. 10878/2024 is liable to be set aside?*

5.2. This Court is conscious of the multifarious judgments passed vis-a-vis the aforementioned issue by various learned Single and Coordinate Benches of this Hon'ble Court and therefore, before deciding upon the claim of the appellant in the instant case, it becomes pertinent to clear the position regarding the scope and ambit of condonation when it comes to errors in the application form by the candidates.

5.3. This Court is cognizant of the fact that, when it comes to matters of public employment, with large number of applicants applying and the cumbersome process of processing all the applications being involved, in such cases, there has always been conflict between merit and public interest (administrative inconvenience). However, at the same time, it is also noteworthy that not all errors are sufficient enough to reject the candidature of a candidate and disregard the meritorious position that he/she holds in the competitive examination.

5.4. This Court observes that, the learned counsel for the respondents in the instant case has relied upon the judgment rendered in the case of ***Piyush Kaviya & Ors. Vs. The Rajasthan Public Service Commission & Ors. [D.B. Special Appeal (Writ) No.198/2018****, decided on*

10.04.2018], relevant paras of which are reproduced as hereunder:

> *29. It needs to be highlighted that seeking public employment the number of applicants swell into thousands for every appointment offered. The cumbersome process of processing the applications manually and at each stage of the selection process manual intervention being time consuming, aid of technology is being taken. On-line applications are being received. Opportunities to correct mistakes in the on-line application forms are provided by opening a window period. When the applications etc. as amended are processed. The computer generates the admit cards. The results of the examination are fed in the computer for various categories of posts and in the instant case, the number being 30, select list based on merits and categories are generated by the computer. The candidates need to be vigilant and specially when, as in the instant advertisement, they were cautioned time and again to check their particulars and a window period within which corrections could be made was made available to the candidates.*
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> *30. Whilst it may be true that every endeavour should be made to induct meritorious candidates but at the same time administrative inconvenience caused by permitting applicants to correct errors committed by them has to be kept in mind. It serves public interest that appointments to civil posts are made as early as possible.*
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> *31. Thus, the conflict between merit and public interest subserved by timely filling up of public posts has to be balanced. The balance is stuck in the instant case by giving a(Downloaded on 14/02/2025 at 10:32:00 AM) (8 of 12) window period to the candidates to correct the on-line application forms. The balance was stuck by prohibiting any application to be submitted after last date notified.*
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> *32. The writ petitioners were negligent. They never disclosed in the on-line application forms submitted that they were non- gazetted Government employees. Thus, it was too late in the day for them to seek change in the category in which they had applied after the admit cards were issued by informing the Commission that they were non-gazetted Government employees.*
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> *33. The appeals are allowed. Impugned orders of even date i.e. 24.11.2017 are set aside. S.B. Civil Writ Petition No.4440/2017filed by Sajjan Singh, S.B. Civil Writ Petition No.10812/2017 filed by Birda Ram Bishnoi and S.B. Civil Writ Petition No.4466/2017 filed by Pushpendra Singh Rajawat are dismissed."*

5.5. This Court however, is also conscious of the judgment rendered in the case of ***Vashisht Narayan Kumar v. State of Bihar, [Civil Appeal No. 1 of 2024, SLP (C) No. 12230 of 2023****, decided on 02-01-2024], relevant portions of which are reproduced as follows:*

> *15. Recently this Bench in Divya vs. Union of India & Ors., 2023:INSC:900 = 2023 (13) Scale 730, while declining relief to candidates who acquired eligibility after the date mentioned in the notification carved out a narrow exception. There, the judgment in Ajay Kumar Mishra vs. Union of India & Ors., [2016] SCC OnLine Del 6563, a case very similar to the facts of the present case, was noted. In Ajai Kumar Mishra (supra), Indira Banerjee, J. (as Her Ladyship then was) speaking for the Division Bench of the Delhi High Court in para 9 stated as under:-*
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> *9. It is true that whenever any material discrepancy is noticed in the application form and/or when any suppression and/ or mis- representation is detected, the candidature might be cancelled even after the application has been processed and the candidate has been allowed to participate in the selection process.* ***However, after a candidate has participated in the selection process and cleared all the stages successfully, his candidature can only be cancelled, after careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors."*** *(emphasis supplied)* ***The exception for trivial errors or omissions is for the reason that law does not concern itself with trifles. This principle is recognized in the legal maxim - De minimis non curat lex.***

5.6. In light of both the aforementioned judgments, this Court observes that though it is pertinent to ensure compliance with the rules of the recruitment process vis-a-vis the filing of application forms and the correctness in the information that a candidate is required to provide; and that, the rendering of misleading or wrong information is not acceptable, but at the same time it is also important to understand that trifles cannot be allowed to vitiate or invalidate the applications. Errors which are not substantial or materially affecting the process and which are trivial in nature are not good ground to reject application of an applicant. The courts needs to draw a balance between the public interest and the merit of an applicant keeping in mind the basic principles of justice, which cannot be compromised by adopting a strict positivist approach.

5.7. This Court observes that the present case is clearly distinguishable from the case of ***Piyush Kaviya (supra)****, as in that case the writ petitioners were negligent and while submitting the online application forms they never disclosed that they were non-gazetted Government employees. However, in the case at hand, the appellant while filing the*

application form, applied for non-TSP area only and was not negligent in that regard.

5.7.1. This Court further observes that the facts of the present case are distinct, starting with the nature of error, which was inadvertent and without any malafide intention or negligence.

5.7.2. More so importantly, the mistake was trivial in nature, which occurred during the course of correction in the application form whereby the correction was supposed to be limited to the year of qualification, however, the column of TSP and non-TSP got affected and thereby the originally correct information of non-TSP category got converted into TSP category.

5.7.3. This Court also observes that the appellant secured 51.13% and was placed at Serial No.19 in the OBC category and therefore mere technicalities should not be allowed to prejudice the merit and affect the interest of justice.

5.7.4. This Court therefore observes that in light of the maxim, Di minimis non-curat lex and, the interest of justice, the claim of the appellant is sustainable."

Learned counsel for the respondents are not in a position to refute the application of such order.

Thus, the present appeal is allowed in the same terms of the order dated 02.01.2025 rendered in ***Reena Choudhary*** (supra). Consequently, the impugned order dated 06.09.2024 passed by the learned Single Bench of this Court in ***S.B. Civil Writ Petition No.4224/2024 (Neeraj Singh & Anr. Vs. State of Rajasthan & Ors.)*** is quashed and set aside and rest of the relief shall be given out of the same.

Stay petition stands disposed of.

(CHANDRA PRAKASH SHRIMALI),J **(PUSHPENDRA SINGH BHATI),J**

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