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

% Judgment delivered on: 14th September, 2023

+ W.P.(C) 11857/2023 & CM APPL.46289/2023, CM APPL.47424/2023

AHIRE AJINKYA SHANKAR Petitioner

versus

INDIAN COAST GUARD & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Abhinay, Mr. P. C. Roy and
Ms. Deeksha Prakash, Advocates

For the Respondents: Ms. Uma Prasuna Bachu, Senior Panel Counsel for
UOI with Mr.Ratan Negi, Deputy Commandant,
ICG.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

MANOJ JAIN, J.

1. Petitioner impugns the manner in which the respondents have rejected his candidature and seeks a direction for them to induct him in subsequent batch 02/2023.

2. Pursuant to the recruitment advertisement issued by the respondents for the post of Navik (General Duty), Navik (Domestic Branch) and Yantrik for 01/2023 batch, the petitioner, being eligible



for appointment to the post of Navik (General Duty) applied for the same under Scheduled Caste (SC) category. He submitted application online giving requisite particulars and uploaded the requisite documents as well. He was issued admit card for Stage-I and qualified the written examination of Stage-I. He thus became eligible to download a provisional admit card for Stage-II. He was required to upload various documents at Stage-II, which he did. He then reported at the Examination Centre, Goa Headquarters for undergoing Physical Fitness Test (PFT) which also he successfully qualified.

3. After qualifying PFT, he underwent document verification.
4. During the aforesaid process, he produced, *inter alia*, his caste certificate dated 29.08.2009 and certificate of validity dated 04.12.2018. However, his such documents were not considered by the respondents and he was not permitted to participate in the last stage of Stage-II, i.e., initial medical examination.
5. Later on, the petitioner learnt that his candidature had been arbitrarily and erroneously rejected by the respondents on the ground of mismatch appearing in the online details and the documents furnished by him physically. According to the petitioner, there was no discrepancy in the documents and there was no mismatch either and thus there was no occasion for the respondents to have rejected his candidature.
6. According to respondents, the application of the petitioner contained false information and, therefore, respondents were justified



in rejecting his candidature. Right here, it would be pertinent to mention the reason of the rejection of the candidature of the petitioner, which is as under:-

“...you are not a bonafide candidate because your application was with false information and did not match with information as per documents uploaded in the application and was in contravention of: ‘candidate name in application- Ahire Ajinkya Shankar, Candidate name in Certificate Ahire Ajinkya, Father name in application Shanker, Father name in SC certificate Shankar Ahire, fail in documents verification as per para 6 (b) (ii) of Advertisement and para 15 (b) of E-Admit Card.”

7. Thus according to the respondents, there were following mismatched information:-

(i) The name of the petitioner was shown as ‘Ahire Ajinkya Shankar’ in the online application whereas in the caste certificate dated 29.08.2009 his name was shown as ‘Ahire Ajinkya’;

(ii) The name of father of the petitioner was mentioned in the online application as ‘Shankar’ whereas in the caste certificate dated 29.08.2009, the same is shown as ‘Shankar Ahire’.

8. According to respondents, as per para 6 (b)(ii) of the advertisement in question and as per para 15(b) of e-admit card, respondents were justified in rejecting the candidature. It is claimed that it had been made amply clear in the advertisement that in case of any mismatch of information provided in the application form and documents uploaded online during Stage-I and Stage-II and the original documents produced during physical verification at Stage-II,



the candidature would be cancelled. It is thus claimed that since there was a false declaration in the online application and there was no other mechanism to crosscheck the credibility and authenticity of the documents, respondents had no option but to reject the candidature.

9. It is quite obvious that the approach of the respondents seems hyper-technical in nature.

10. We have gone through the details uploaded by the petitioner in his online application. In his such application, he clearly described his name as 'Ahire Ajinkya Shankar'. He gave his date of birth as '04.12.2001' and also mentioned about his category as 'Scheduled Caste'. He mentioned his father's name as 'Shankar' and mother's name as 'Kadubai'. He also made reference about the Scheduled Caste certificate which had been issued on 29.08.2009. He also made reference about his educational qualification and also gave complete details of his 10th certificate and 12th Certificate. Admittedly, all the requisite documents were duly uploaded by him at the relevant stages.

11. We have seen the 'caste certificate' issued by the concerned authority on 29.08.2009 which records his name as '*Ahire Ajinkya*' and his father's name as '*Shankar Ahire*'. The petitioner also obtained a certificate of validity of such caste certificate on 04.12.2018 in which it was certified that the said caste claim was correct though in such 'certificate of validity' his name is shown as '*Ahire Ajinkya Shankar*' and not '*Ahire Ajinkya*'.

12. According to petitioner, his full name is 'Ahire Ajinkya



Shankar' and his father's full name is 'Shankar Ahire' and, therefore, there was no reason for the respondents to have rejected his candidature on the ground of alleged mismatch. He also claims that the concerned office of Sub-Divisional Magistrate, Sillod, Maharashtra further verified the correctness of said certificate on 22.08.2023 certifying therein that such caste certificate was issued to *Ahira Ajinkya son of Shankar*. According to the petitioner, he did not provide any false information and rather uploaded all the supporting documents. He has also claimed that his educational certificates of Class X and XII record his name as '*Ahira Ajinkya Shankar*' and since there was no column prescribed for specifying father's name, it contained the name of his mother as '*Kadubai*'.

13. We need not reiterate that the purpose of document verification is to ensure that there is no impersonation, misleading or incorrect documents furnished to seek enlistment. The aforesaid alleged mismatch cannot be, by any stretch of imagination, labeled as discrepancy or furnishing of any false information. Mere inadvertent mentioning or non-mentioning of surname in caste certificate issued by the Competent Authority would not mean and indicate that it is a case of impersonation or furnishing of false information. The details have been filled up as per the contents of the certificates available with the petitioner. Moreover, the alleged mismatch is not such an error which could have led to rejection of the candidature of the petitioner, particularly, in view of the fact that there is nothing which may even remotely indicate that these are forged or procured documents. The



caste certificate ought to have been read in conjunction with other documents. A holistic view of the matter would not suggest that the petitioner is not a bonafide candidate.

14. In view of the above, the decision of the respondents in declaring the petitioner as failed in stage – II cannot be sustained and is accordingly quashed.

15. Coming to the consequential relief that the petitioner would be entitled to, we are informed that the stage – III, i.e., induction of the officers who have already passed was completed on 26.05.2023 and the physical training was commenced in the first week of June. Training is for a period of 4 months which means that by now the training is nearly over.

16. Reference may be had to the judgment of a Coordinate Bench of this Court in WP(C) 7207/2023 titled *Pankaj vs. Union of India* dated 24.05.2023 and *Amandeep vs. Union of India and Others*: 2023 SCC Online Del 3902 wherein, in similar circumstances, this Court had permitted the petitioners therein to be allowed to join the induction course in the next batch subject to completion of all necessary formalities as per the procedure and further directed that their seniority shall be treated with their batchmates, with all consequential benefits except salary.

17. In view of the above, we direct that subject to the petitioner completing all the other requisite formalities and clearing subsequent stages, including initial medical examination, the petitioner be allowed



to join induction course with the next batch. His seniority shall be reckoned with his batchmates with all consequential benefits, except that he shall not be paid any salary for the said period.

18. Petition is disposed of in the above terms.

19. Order *Dasti* under the signatures of the Court Master.

MANOJ JAIN, J

SANJEEV SACHDEVA, J

SEPTEMBER 14, 2023
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