

D/L.9.
March 27, 2024.
MNS.

WPA No. 5442 of 2024

Reshmi Bhagat
Vs.
State of West Bengal and others

Mr. Shanka Maiti,
Ms. Antara Panja,
Mr. Sartak Singh

... for the petitioner.

Mr. Dipanjan Datta

...for the respondent no. 2-IBPS.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner, a young lady, hailing from interior parts of Jalpaiguri, where internet connectivity is poor according to the petitioner, applied for taking the examinations for the post of Probationary Officers/Management Trainees for banks.
3. The respondent no. 2, that is, the Institute of Banking Personnel Selection (IBPS) was the common online platform conducting the said examinations.
4. The petitioner submits that the petitioner submitted her credentials and duly filled up the requisite application form and submitted the same online for taking part in such examinations through a cyber café with the help of her father.

5. However, even after the petitioner passed the prelims and mains, when the petitioner's turn came to be interviewed, certain discrepancies regarding her date of birth between the various documents submitted by her was apparently detected. According to the petitioner, the concerned banks left the decision as to whether to permit the petitioner to the respondent no. 2, which was in charge of conducting the examinations.
6. It is argued that whereas the Aadhaar Card of the petitioner and her PAN Card, in consonance with her declaration in the application, showed her date of birth to be March 30, 2000, the birth certificate of the petitioner and, consequentially, her Indian School Certificate admit card depicted her date of birth as April 23, 2000.
7. Either way, since the age of the candidate was to be between 20 and 30 years at the relevant point of time, the petitioner fully qualified the said age criterion, whichever may be the date of birth taken for the petitioner.
8. The petitioner, thus, challenges the decision of the respondents from letting her sit for the interview on the basis of such discrepancy.
9. Learned counsel for the petitioner cites a judgment of the Supreme Court in the matter

of *Vashist Narayan Kumar Vs. The State of Bihar and Ors.* reported at (2024) 1 S.C.R. 1 for the proposition that if the person concerned gains no undue advantage and the mistake does not constitute willful misrepresentation or fraud, considering the gravity of the lapse, the candidature can be permitted. Trivial omissions and errors, it is contended, cannot come in the way.

10. Learned counsel appearing for the respondent IBPS argues that if the petitioner was armed with all the said documents, there was no conceivable reason why the petitioner disclosed her date of birth to be March 30, 2000, which is in contradistinction with her birth certificate and her ISC Admit Card. The rules are clear, it is submitted, to the effect that the eligibility criteria are to be satisfied by the concerned candidate by submission of due documents.

11. It is further pointed out that as per the eligibility criteria, all particulars mentioned in the online application, *inter alia* including the date of birth of the candidate, will be considered as final and no challenge/modification will be allowed after submission of the online application form.

12. Thus, it is contended that the petitioner loses out on the eligibility criteria itself and as such was rightly not considered for the interview.

13. The judgment cited by the petitioner is apt in the circumstances of the present case. The Supreme Court, in no uncertain terms, observed that 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.

14. In the present case, the petitioner hails from the interior parts of the State where even proper internet facilities are not available. One can very well appreciate the impediments and handicaps under which such a person has uploaded the online application and furnished due details and credentials, which was done through a cyber café, since the petitioner did not have the means to do the uploading from her own data pack.

15. That apart, the object of such examinations for the banking sector and other public services is not to restrict the participation but to ensure that the participation reaches every nook and corner of the country, to the places which are

not so advantaged as large townships or cities.

16. Seen in such context, the error committed by the petitioner was indeed trivial.

17. It is not the case of the petitioner merely that she wants to have a modification of her online application. The petitioner places her case on a wider footing inasmuch as either of the dates of birth, if taken to be correct, would make the petitioner eligible as per the eligibility criterion regarding age.

18. The object of a public examination cannot by any means be construed to be so restrictive as to be cruel on the candidates, particularly for brilliant people like the petitioner, who has already cleared the preliminary and mains in the tough banking examination concerned. The endeavour of the authorities ought to be encourage such people and not to shut them out on trivial issues.

19. All the yardsticks and tests, as stipulated in the judgment of the Supreme Court, moreover, are applicable to the present case.

20. I do not find from the records that the petitioner could derive any undue advantage or, for that matter, any advantage whatsoever from the discrepancy in her date of birth, as

either way, the petitioner would qualify on the eligibility criterion in respect of age.

21. There does not arise any question, thus, of any willful misrepresentation on her part. The petitioner was permitted to take the prelims and mains and already crossed those hurdles and as such made herself eligible with flying colours to have an opportunity to participate in the interviews.

22. Accordingly, the petitioner in the present case comes within the window as provided by the judgment of the Supreme Court, there being no gross anomaly or mala fides in the discrepancies relating to her date of birth.

23. As such, for the purpose of the concerned banking examinations for the post of Probationary Officers/Management Trainees, the petitioner is held to be fully qualified, since the documents submitted by her indicate that she is eligible in terms of age for participating in the said examinations. Since, the published timelines leave it open to the concerned banks to extend the date of interview till the end of this month, it is expected that the petitioner shall be permitted to have an interview with the concerned banks for the purpose of considering her candidature for the concerned posts.

24. Accordingly, WPA No. 5442 of 2024 is allowed on contest, thereby directing the respondent no. 2-IBPS to immediately intimate the concerned banks that the petitioner is fully eligible for participation in the interviews for the examinations being held for the post of Probationary Officers/Management Trainees in banks.

25. Accordingly, the respondent no. 2-IBPS shall publish the name of the petitioner in the provisional allotment list within 24 hours hence.

26. The parties shall act on the communication of the learned Advocates for the parties and/or server copy of this order, without insisting upon prior production of the certified copy thereof, for the purpose of compliance.

27. Acting upon such publication, the concerned banks shall grant a date of interview to the petitioner.

28. There will be no order as to costs.

29. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)