

## Amandeep Vs Union Of India Ors

**Court:** Delhi High Court

**Date of Decision:** July 4, 2023

**Hon'ble Judges:** Sanjeev Sachdeva, J; Manoj Jain, J

**Bench:** Division Bench

**Advocate:** R.K. Ojha, Nirvikar Verma, Shantanu Verma

**Final Decision:** Disposed Of

### Judgement

Sanjeev Sachdeva, J

CM APPL.33124/2023 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 8759/2023 & CM APPL.33123/2023 (stay)

1. Petitioner seeks a direction to the respondent /Director General, Coast Guard to permit the petitioner to clear stage I to join the stage II examination.

induction programme.

2. Respondent had issued a notification for recruitment to the post of Navik (Domestic Branch) and Yantrik in the Indian Coast Guard. Petitioner

appeared for the Coast Guard Navik (DB) examination. Petitioner cleared stage I examination and was called for stage II examination.

3. The result of the stage II examination was declared and the petitioner was not shortlisted for stage III on the ground that he had failed in

the stage II, i.e, document verification. The reason mentioned is that there was a discrepancy in the name of the petitioner in the OBC Certificate and

the school certificate as also the online application. The discrepancy pointed out by the respondents was that his name in the school certificate and

online application was mentioned as "Amandeep" whereas in the OBC certificate, the name was mentioned as "Aman Deep".

4. It was, on account of this discrepancy, that petitioner's candidature has been rejected holding that there is a discrepancy in the

documents.

5. Issue notice. Notice is accepted by learned counsel appearing for respondent.

6. With the consent of the parties, the petition is taken up for final disposal today itself.

7. Learned counsel for the respondent fairly concedes that apart from the abovementioned discrepancy, there is no other discrepancy pointed out for

rejecting the candidature of the petitioner.

8. In respect of the error pointed out by the respondents, we notice that the error is only with regard to the splitting of the name by the Authority

issuing the OBC certificate to the petitioner. The personal details of the petitioner mentioned in his class 10 certificate is

name as "Bhateri Devi" and Father's name as "Balkrishan". The name mentioned in the Senior School Certificate examination is also

"Amandeep", mother's name as "Bhateri Devi" and Father's name as "Balkrishan".

9. We notice that in the OBC certificate issued by the Office of the Sub-Divisional Officer Kotkasim, Alwar, Rajasthan dated 25.10.2022, the name of

the petitioner is mentioned as "Aman Deep" s/o Balkrishan. There is another certificate issued by the same authority on 19.01.2023 wherein the

name of the petitioner is mentioned as "Amandeep" s/o Balkrishan, mother's name as "Bhateri Devi". Petitioner obtained this certificate

after he had applied with the concerned authorities.

10. The advertisement seeking online applications for the subject post in stage " II referred to the requirement of documents verification and

provides that in case of any mismatch/inconsistency/error with the information provided in the application form with the documents in respect of the

name, date of birth, parent's name, subject-wise marks/percentage/CGPA (as applicable), validity of documents, caste certificate, etc. will lead to

failure in documents verification and candidature will be cancelled.

11. The purpose of the said provision is to ensure that there is no impersonation or misleading or incorrect document furnished to seek enlistment.

12. In the subject case, the error pointed out by the respondent is in fact not a discrepancy or mismatch. It is merely an additional space added by the

concerned authority issuing the OBC certificate between the name of the petitioner which is "Amandeep" and the same has been mentioned as

"Aman Deep".

13. We find that the other personal details, i.e., the name of the father and the mother of the petitioner matches in all the documents. We are of the

view that this discrepancy is not such an error which should have led to candidature of the petitioner being rejected on the ground of mismatch,

particularly, in view of the fact that the petitioner had qualified the written examination with merit.

14. In view of the above, the decision of the respondent 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 25% of the training is already 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, wherein, in similar circumstances, this Court had permitted the petitioner 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 his seniority shall be treated with his batch mates 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, petitioner be allowed to join induction

course with the next batch. His seniority shall be reckoned with his batch mates 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.