

Neethulekshmi S. vs Union of India

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Court : Kerala

Decided On : Feb-23-2022

Judge : Honourable Mr. Justice Alexander Thomas, Honourable Mr. Justice Viju Abraham

Appeal No. : WA/106/2022

Appellant : Neethulekshmi S.

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS
& THE HONOURABLE MR. JUSTICE VIJU ABRAHAM WEDNESDAY,
THE 23RD DAY OF FEBRUARY 2022 / 4TH PHALGUNA, 1943 WA NO.
106 OF 2022 AGAINST THE JUDGMENT IN WP(C)NO.26189/2020 OF
HIGH COURT OF KERALA APPELLANTS/PETITIONERS: 1
NEETHULEKSHMI S. AGED 23 YEARS D/O.SURESH BABU.S,
LEKSHMI BHAVAN, AIRAKKUZHY P.O. CHITHARA, KOLLAM 691 559.
2 PRINCY P., AGED 28 YEARS D/O.PRASANNAN, KADIKKONAM
PADIPPURA VEEDU, VAMANAPURAM P.O.
THIRUVANANTHAPURAM 695 606. 3 AMRITHA ANIL, AGED 24

YEARS D/O. ANIL KUMAR, MANNOOR PADEETTATHIL, EDAKULANGARA POST, THODIYOOR VILLAGE, KOLLAM 690 523. BY ADVS. G.KRISHNAKUMAR K.A.ANI JOSEPH RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA REP. BY THE SECRETARY TO GOVERNMENT, MINISTRY OF HOME AFFAIRS, NEW DELHI-110001. 2 SECRETARY TO GOVERNMENT, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSION, DEPARTMENT OF PERSONNEL & TRAINING, NORTH BLOCK, NEW DELHI 110 001. 3 STAFF SELECTION COMMISSION, REPRESENTED BY ITS SECRETARY, BLOCK NO. 12,

C.G.O. COMPLEX, LODHI ROAD, NEW DELHI 110 003. 4 REGIONAL DIRECTOR (KKR), STAFF SELECTION COMMISSION, 1ST FLOOR, 'E' WING, KENDRIYA SADAN, KORAMANGALA. BANGALURU, KARNATAKA- 5600034. 5 CENTRAL RESERVE POLICE FORCE, CRPF RECRUITMENT BRANCH, EAST BLOCK-07, LEVEL 4 SECTOR 1, R.K.PURM, NEW DELHI -110066, REPRESENTED BY ITS DIRECTOR. 6 D.I.G. RECRUITMENT, CRPF RECRUITMENT BRANCH, EAST BLOCK-07, LEVEL 4 SECTOR 1, R.K.PURM, NEW DELHI-110066, REPRESENTED BY ITS DIRECTOR. 7 COMMANDANT/PRESIDING OFFICER, DV/DME PHASE CT/GD MALE/FEMALE RECRUITMENT 2018, PALLIPURAM CENTE, THIRUVANANTHAPURAM 695 316. 8 DEPUTY INSPECTOR GENERAL OF POLICE, G.C.C.R.P.F. PALIPPURAM, PALLIPURAM CENTRE, THIRUVANANTHAPURAM- 695 316. 9 C.R.P.F. REVIEW MEDICAL EXAMINATION BOARD. C.R.P.F.PALLIPURAM, PALLIPURAM CENTRE, THIRUVANANTHAPURAM 695 316, REPRESENTED BY ITS DIRECTOR. 10 CAPF REVIEW MEDICAL EXAMINATION BOARD, COMPOSITE HOSPITAL, GROUP CENTRE CAMPUS, CRPF, CHANDRAYANGUTTA, KESHOGIRI POST, HYDERABAD- 500 005, REPRESENTED BY ITS DIRECTOR. BY ADV MANU S., ASG OF INDIA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23.02.2022, ALONG WITH WA.479/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS & THE HONOURABLE MR.JUSTICE VIJU ABRAHAM WEDNESDAY, THE 23RD DAY OF FEBRUARY 2022 / 4TH PHALGUNA, 1943 WA NO. 479 OF 2021 AGAINST THE JUDGMENT DATED 04.01.21 IN WP(C) NO.13460/2020 OF HIGH COURT OF KERALA APPELLANT/PETITIONER: GOKUL V.NATH, AGED 23 YEARS S/O.VIJAYANATHAKURUP, GOKULAM, 306, KOMALLOOR P.O., CHUNAKKARA, MAVELIKARA, ALAPPUZHA-690505. BY ADV V.VIJITHA RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA

REPRESENTED BY SECRETARY, MINISTRY OF HOME AFFAIRS, JAI SINGH MARG, HANUMAN ROAD AREA, CONNAUGHT PLACE, NEW DELHI-110001. 2 DIRECTORATE GENERAL, CRPF(RECRUITMENT BRANCH) EAST BLOCK-07, LEVEL-4, SECTOR- 01, RK PURAM, NEW DELHI-110066, REPRESENTED BY SECRETARY. 3 STAFF SELECTION COMMISSION, BLOCK NO.12, CGO COMPLED, LODHI ROAD, NEW DELHI-110003. 4 PRESIDING OFFICER, DV/DME PHASE, PALLIPURAM CENTRE, THIRUVANANTHAPURAM- 695316. SRI.N.S.DAYA SINDHU SREE HARI,CGC THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23.02.2022,

ALONG WITH WA.106/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ALEXANDER THOMAS & VIJU ABRAHAM, JJ. ===== W.A No.106 of 2022 [arising out of the judgment dated 09.12.2021 in W.P(C) No.26189/2020] & W.A No.479 of 2021 [arising out of the judgment dated 04.01.2021 in W.P(C) No.13460/2020] ===== Dated this the 23rd day of February, 2022

JUDGMENT

Alexander Thomas, J.

As the same issue is involved in these cases, these writ appeals are disposed of on the basis of this common judgment. W.A No.106/2022 is taken as the lead case for the purpose of convenience.

2. The three appellants in W.A No.106/2022 are aggrieved by the

judgment dated 09.12.2021 rendered by the learned Single Judge

dismissing W.P(C) No.26189/2020 filed by them. Whereas, the sole appellant in W.A No.479/2021 is aggrieved by the judgment dated 04.01.2021 rendered by the learned Single Judge dismissing W.P(C) No.13460/2020 filed by him. All these appellants had responded to Ext.P-1 selection notification dated 21.07.2018 issued by the respondents for selection to the post of Constables (General Duty-GD) in the Central Armed Police Forces (CAPFs) like National Investigation Agency (NIA),

Secretariat Security Force (SSF), Central Reserve Police Force (CRPF), Border Security Force (BSF), Indo Tibetan Border Police (ITBP), Rifleman (General Duty) in Assam Rifles (AR), etc. The selection to the post of Constable (GD) in NIA and SSF was to be done on the basis of All India basis, whereas vacancies in all other CAPFs were to be filled up, as per the

vacancies available in various States/Union Territories. In addition, vacancies have also been earmarked for the Border Guarding Districts and Militancy/Naxal affected Districts, which are reserved for the candidates of those districts only. All these appellants had crossed the various hurdles in the selection process, including the Computer Based Examination (CBE), Physical Efficiency Test (PET), Physical Standard Test (PST) and

thereafter, the medical examination upto the Detailed Medical Examination (DME). Their applications have been rejected on the sole ground that they have incorrectly shown their district domicile in their respective applications, even though they have

correctly shown their State domicile as the State of Kerala.

3. Heard Sri.G.Krishna Kumar, learned counsel appearing for the

appellants in W.A No.106/2022 and Smt.V.Vijitha, learned counsel appearing for the sole appellant in W.A No.479/2021, Sri.S.Manu, learned Assistant Solicitor General of India appearing for the respondents in W.A No.106/2022 and Sri.N.S.Daya Sindhu Shree Hari, learned Central Government Counsel appearing for the respondents in W.A No.479/2021.

4. The case of the appellants in W.A No.106/2022 is that all the

applicants have correctly shown their domicile as 'State of Kerala'. But that, in the relevant column of the applications for showing the district concerned, the 1st applicant had shown it as 'Thrissur', as she was residing along with her mother at Thrissur at that time, even though her district or domicile is Kollam. Further that, the 2nd applicant had incorrectly shown her district as Kollam, as her husband was then residing there, even

though her domicile is Thiruvananthapuram. So also, the 3rd applicant had incorrectly shown her district as 'Alappuzha', as she was then residing there, even though the district or domicile is Kollam. Exts.P-2 & P-7, produced in the paper book in W.A No.106/2022, are the applications submitted by the 1st & 3rd appellants. A perusal of the applications would show that the mistake as above has occurred in the relevant column No.(17) for showing the district, whereas in the relevant columns (23) &

(24) for showing the full address, they have correctly shown the district.

Exts.P-3, P-5 & P-8 are the respective domicile certificates issued to the appellants by the competent revenue authorities concerned, in which it is clearly certified that the domicile of the appellant concerned is the State of

Kerala. A perusal of Exts.P-3, P-5 & P-8 domicile certificates would show that the revenue authority has mainly certified the domicile as the State of Kerala and there are columns therein to show the name of the local body, village, taluk & district.

The rejection orders in the case of the appellants in W.A No.106/2022 are those at Exts.P-24 to P-26 & Ext.P-32 produced

in that writ appeal. Whereas, the rejection order in the case of the appellant in W.A No.479/2021 is the one at Ext.P-11 produced in that writ appeal. The learned Single Judge in the above impugned judgments has dismissed the above W.P(C) on the ground that the rejection of the application is justified in terms of the conditions in the selection notification.

5. Whereas, the sole appellant in W.A No.479/2021 has correctly

shown his domicile as 'State of Kerala'. But in the relevant column for showing the district, it has been shown as 'Pathanamthitta', instead of correctly showing as 'Alappuzha'. Ext.P-1 produced in the paper book in W.A No.479/2021 is the application submitted by that appellant for the above selection process, wherein Column No.17 deals with the district, where the mistake occurred. Whereas the said appellant has also correctly shown the address in column No.24 with reference to Alappuzha District. It is the case of the said appellant that the revenue authorities had issued

Ext.P-5 nativity certificate, wherein it was shown that the appellant's nativity is at Pathanamthitta District, as it is the place of his father's

ancestral home. Whereas, in Ext.P-6 domicile certificate, the revenue authorities have certified that the said appellant's domicile is the State of Kerala. But the district is shown as 'Alappuzha', as the said appellant along with his parents were residing near Mavelikkara, Alappuzha District for the last 10 years or so. It is the specific case of the appellant that the confusion arose on account of Ext.P-5 nativity certificate and that is how he had mistakenly entered his district in column No.17 of Ext.P-1 application as 'Pathanamthitta', instead of showing it correctly as 'Alappuzha'.

6. The main contention urged by the appellants is that the

abovesaid mistakes are insignificant in nature and it do not, in any manner substantially or significantly, affect the selection process or the relative placement

of ranking position for consideration of these appellants and that the said mistake is only a condonable one, etc.

7. The main contention urged by the learned Assistant Solicitor

General of India and the Central Government Counsel appearing for the respondents in these appeals is that, it is specifically stipulated in the selection notification that the applications should be summarily rejected with mistakes of this nature made in the application and further that the district domicile is one of the important criteria for assessment of the consideration of the selection process and that is why it is insisted that no mistakes of this nature will be condoned, etc.

8. We are apprised that a Division Bench of the Bombay High

Court has dealt with an identical issue concerning the very same selection notification, in the judgment rendered on 27.07.2020 in Writ Petition No.4761/2020 in the case in Rajesh Sominath Nilakha v. The Union of India & Ors. (copy of which has been produced as Ext.P-33 in the paper book in W.A No.106/2022). Therein, the Division Bench of the Bombay High Court has noted that going by clause 17(17) of the Staff Selection Commission notification, which is the same as Ext.P-1 produced in W.A No.106/2022, it is stipulated that any mistake in mentioning the domicile district will entail disqualification and rejection. In that case, the writ petitioner therein had wrongly mentioned the domicile district in column No.17 as 'Aurangabad', though he is a domicile of Jalna. The Division Bench of the Bombay High Court has noted that in column Nos.24 & 25 of the proforma application, the writ petitioner therein has correctly mentioned the full postal address showing the permanent address at Jalna. The Division Bench of the Bombay High Court held that there is no serious

dispute on the plea of the petitioner therein that he was not to gain anything by writing the domicile wrongly as 'Aurangabad' instead of 'Jalna'. Whereas, in column Nos.24 & 25 of the proforma application, he had correctly shown his postal and permanent address in the district at Jalna. Hence, the Division Bench of the Bombay High Court held that the entry regarding the district in column No.17 of the proforma application is a bonafide mistake and that the petitioner had no

intention of misleading the authorities nor would he gain any advantage by wrongly mentioning the district as 'Aurangabad', etc. It was also noted that the petitioner therein had cleared the medical examination as well. Accordingly, the Bombay High Court has ordered, as per Ext.P-33 judgment, that in case the writ petitioner therein was otherwise eligible, the respondents shall not reject his candidature, solely on the ground that he had wrongly mentioned his district domicile as mentioned above. Further, we are told that being aggrieved by the said judgment rendered by the Bombay High Court in Writ Petition No.4761/2020, the Union of India & Ors. had preferred a special leave petition before the Apex Court as SLP(C) No.11168/2021, in which the Apex Court, as per order dated 27.08.2021, has issued notice in the said SLP, but has not granted any stay till now.

9. Further, the learned Advocates for the appellants also place

reliance on a judgment rendered by a Division Bench of the Delhi High Court in the case in Ajay Kumar Mishra v. Union of India & Ors. rendered on 23.12.2016, wherein it has been held that insignificant mistakes shall not be the basis for disqualification and the same should be condoned, especially in cases where the mistake is bonafide and there is no dishonest intention or there was no intention to get any undue advantage by claiming such wrong details. A copy of the said judgment rendered by the Division Bench of the Delhi High Court on 23.12.2016 in W.P(C) No.11642/2016 in Ajay Kumar Mishra v. Union of India & Ors. has been produced as Ext.P-34 in the paper book in W.A No.106/2022. It appears that being aggrieved by the said judgment of the Division Bench of the Delhi High Court, the Union of India & others had preferred SLP (Civil) No.3673/2017 before the Apex Court, in which the Apex Court, as per order dated 13.02.2017, has dismissed the said SLP (C) No.3673/2017.

10. It is also brought to our notice that another Division Bench of

the Delhi High Court, in the judgment dated 31.07.2017 in W.P(C) No.3721/2017, has placed reliance on the abovesaid judgment of the Division Bench of the Delhi High Court in Ajay Kumar Mishra's case supra. Further that a Division Bench of the Himachal Pradesh High Court, in the judgment dated 29.10.2020 in Civil Writ Petition (CWP) No.3331/2019, has also followed the abovesaid judgment of the

Delhi High Court in Ajay Kumar Mishra's case supra.

11. The issue decided by the Division Bench of the Bombay High

Court in the abovesaid Ext.P-33 judgment, is identical to the present one and involves the very same selection notification in question, inasmuch as the application therein was rejected solely on the ground of mistaken entry of district in column No.17 of the proforma application.

12. The learned Assistant Solicitor General of India and the learned

Central Government Counsel appearing for the respective respondents in these writ appeals, have strongly opposed the plea of the appellants and have said that the mistakes are substantial in nature, which seriously disturb the consideration process in this selection and that in clause No.17(17) of the abovesaid Ext.P-1 selection notification, it has been clearly stipulated that the mistake in the entry of the district as above would entail rejection of the application. The abovesaid learned Advocates appearing for the respondents have also placed reliance on various decisions in cases as in Kerala Public Service Commission (KPSC) v. Reshmi K.R & Ors. [ILR 2019 (4) Ker.878], KPSC v. Varghese & Ors. [ILR 1977 (1) Ker.523], Jude Joseph v. KPSC [2013 (3) KLT SN 86], KPSC & anr. v.

Bejoy Sebastian [W.A No.504/2014], Prasanth K. Kanotathil & anr. v. KPSC & anr. [ILR 2016 (3) Ker.927] as well as the decision of a learned Single Judge of Jharkhand High Court in W.P(S) No.1721/2020 to contend for the position that the abovesaid conditions in the selection notification will have to be strictly adhered to, as otherwise the selection process will be detrimentally affected and that the judicial review courts may not interfere in such matters, etc.

13. As held by the Division Bench of the Bombay High Court, in a

case where the mistake is a bonafide and inadvertent one and the same is not significant or substantial in the selection process and if the said mistake does not make any material difference in the outcome of the selection process regarding the consideration and assessment of various candidates including the litigant applicants, then judicial discretion could be exercised in a judicious and

appropriate manner. Moreover, we also note that all the appellants herein had crossed all the hurdles in the selection process and had reached the final stage and it was then that their applications were rejected on the sole ground of the abovesaid mistake in

the entry of district in column No.17 of the application. Further, the appellants have also explained as to the circumstances under which the mistakes have been committed. The appellants in W.A No.106/2022 were residing at Thrissur, Kollam and Alappuzha respectively, at the relevant time and it is on this account that they have committed the abovesaid mistake, even though they have correctly shown their postal address and permanent address as mentioned above in column Nos.24 & 25 of the

application. Whereas, the confusion arose for the appellant in W.A No.479/2021, inasmuch as in the nativity certificate, it was shown that the nativity is in Pathanamthitta district, as the place of the ancestral home of his father is there. Here also, the said appellant has correctly shown the postal address and the permanent address in column Nos.24 & 25 of the

application, where the district is 'Alappuzha'. In view of the serious opposition made by the respondents in the W.A, we also have gone through the entire selection notification to assess the tenability or otherwise of the specific contention urged by the respondents that the mistake in the entry of district is a material mistake which would affect the outcome of the assessment and consideration of various candidates.

14. On a reading of the selection notification (Ext.P-1 in W.A

No.106/2022), it can be seen that the selection process is for various Central Armed Police Forces (CAPFs), including that for NIA, SSF, Assam Rifles, CRPF, ITBP, BSF, etc. and various other forces mentioned therein. Item No.(vi) on page.1 of Ext.P-1 would show that the vacancies of

Constable (GD) in NIA and SSF will be filled up on All India basis, whereas vacancies in all other CAPFs will be filled as per the vacancies available in various

States/UTs. In addition, vacancies are earmarked for the Border Guarding Districts and Militancy/Naxal affected Districts which are reserved for the candidates of those districts only. Item No.(vii) on page.1 of Ext.P-1 deals with the list containing the names of Border Guarding Districts and Militancy/Naxal affected Districts, as given at Annexures-XII

& XIII thereof. A perusal of Annexures-XII & XIII would show that the militancy/naxal affected districts and the border guarding districts, as far as the State of Kerala is concerned, are the three districts of Malappuram, Palakkad & Wayanad. There is no dispute that none of these appellants has a claim that they require special reservation meant for these three

districts in the State of Kerala. So also, there is no dispute that the appellants are now provisionally selected for CRPF or CAPFs other than NIA & SSF.

15. Note-III under clause.2 of the abovesaid Ext.P-1 reads as follows : Clause.2. Vacancies & Reservation are as follows: XXX XXX XXX XXX XXX XXX

Note-III: As the vacancies have been allotted to the concerned States/UTs, candidates are required to submit Domicile/Permanent Residential Certificate of the State/UT indicated by them in the online Application Form at the time of DME/Documents Verification failing which his/her candidature will be cancelled forthwith and the candidate will not be allowed to appear in the Detailed Medical Examination. If a candidate produces Domicile/Permanent Resident Certificate (PRC) issued by a State other than the State mentioned in his/her application he/she will NOT be allowed to change the State at the time of Document Verification and his/her candidature shall be cancelled straightaway. Candidates are therefore, cautioned to fill the Application Form very carefully.

16. Clause.3 on page 3 of Ext.P-1 reads as follows :

Clause.3. NATIONALITY/CITIZENSHIP: Candidate must be a citizen of India. Vacancies are state/UT wise hence a candidate must submit domicile/PRC against his/her state/UT.

17. Clause.4(C)(iii) of Ext.P-1 provides as follows : Clause.4(C):PROCESS OF CERTIFICATION AND FORMAT OF CERTIFICATES: XXX XXX XXX XXX XXX XXX

(iii) Candidates will be considered for recruitment in their respective

State/ UT on production of valid Domicile/ Permanent Residential Certificate (PRC) issued by the competent authority so authorized by the concerned State/ UT to prove their domiciliary status at the time of Documents Verification failing which his/ her candidature will be cancelled forthwith. The Domicile/ PRC certificate must be of the State/ UT indicated by the candidates in their online Application Form, failing which, their candidature will be cancelled forthwith.

18. Clause.11 (xi) of Ext.P-1 stipulate as follows : Clause.11 MODE OF SELECTION: XXX XXX XXX XXX XXX XXX

(xi) Candidates will be considered for the vacancies of a State/ UT and

further for the vacancies of Border Guarding Districts, Militancy/ Naxal affected Districts based on the information provided by them in the online Application Form and subsequent submission of relevant Domicile Certificate at the time of DME/ Document Verification. CANDIDATES ARE ADVISED TO BE VERY CAREFUL AND SHOULD EXERCISE DUE DILIGENCE WHILE PROVIDING INFORMATION ABOUT DOMICILE STATE AND DISTRICT IN THE ONLINE APPLICATION FORM. NO REQUEST FOR CHANGE OF DOMICILE STATE AND DISTRICT WILL BE ENTERTAINED BY THE COMMISSION AFTER SUBMISSION OF APPLICATION FORM UNDER ANY CIRCUMSTANCES. IF THERE IS ANY VARIATION OF DISTRICT AND/ OR STATE MENTIONED BY THE CANDIDATE IN THE ONLINE APPLICATION FORM AND THE DOMICILE CERTIFICATE SUBMITTED BY THEM AT THE TIME OF DME/DOCUMENT VERIFICATION, THEIR CANDIDATURE WILL BE CANCELLED

FORTHWITH AND THEY WILL NOT BE ALLOWED TO PARTICIPATE IN DETAILED MEDICAL EXAMINATION.

19. Clause.11(xv) of Ext.P-1 stipulates as follows : Clause.11 MODE OF SELECTION: XXX XXX XXX XXX XXX XXX

(xv) If a district belongs to Border Guarding area as well as Naxal/ Militancy affected area, vacancies will be filled in the order of Border Guarding area followed by Naxal/Militancy affected area.

20. Clause.17(17) of Ext.P-1 reads as follows : Clause.17 IMPORTANT INSTRUCTIONS TO CANDIDATES XXX XXX XXX XXX XXX XXX

(17) CANDIDATES ARE ADVISED TO BE VERY CAREFUL AND

SHOULD EXERCISE DUE DILIGENCE WHILE PROVIDING INFORMATION ABOUT DOMICILE STATE AND DISTRICT IN THE ONLINE APPLICATION FORM. NO REQUEST FOR CHANGE OF DOMICILE STATE AND DISTRICT WILL BE ENTERTAINED BY THE COMMISSION AFTER SUBMISSION OF APPLICATION FORM UNDER ANY CIRCUMSTANCES. IF THERE IS ANY VARIATION OF DISTRICT AND/ OR STATE MENTIONED BY THE CANDIDATE IN THE ONLINE APPLICATION FORM AND THE DOMICILE CERTIFICATE SUBMITTED BY THEM AT THE TIME OF DME, THEIR CANDIDATURE WILL BE CANCELLED FORTHWITH AND THEY WILL NOT BE ALLOWED TO PARTICIPATE IN DME.

21. So it can be seen from the abovesaid provisions that if

candidates, like the present appellants, do not seek any special reservation for being domiciles in the special districts appended to in Annexures-XII & XIII of Ext.P-1 and they are seeking for selection in CAPFs other than NIA & SSF, then the selection will be done on the basis of State concerned/UT

concerned as a Unit. Of course for NIA & SSF, the unit of consideration is All India basis and not even on the basis of State/UT domicile. So long as the applicants are not seeking special reservation for the disturbed districts in Annexures-XII &

XIII of Ext.P-1 and so long as they do not come within the merit processing for NIA or SSF, then they can be considered only for CAPFs like in the present case, wherein the zone of consideration shall be on the basis of the State or UT concerned and district domicile has therefore no relevance in such consideration. Whereas, if the candidates were entitled to claim the special reservation for the abovesaid insurgency affected districts mentioned in Annexures-XII & XIII of Ext.P-1, then they would have been entitled for consideration on the basis of their merit, not only for the other CAPFs where the State is the Unit, but also for a special reservation for the

special districts where the question of district domicile will be paramount. So, in the instant cases of the appellants herein, it can be seen that district has no relevance whatsoever in the selection process for all the present appellants in the

facts and circumstances of this case. In all the abovesaid provisions, except the

last two, it can be seen that prime importance is given to State or UT as a domicile. Of course, in the last two provisions quoted above, there is an omnibus clause that even if the District is wrongly shown, it will entail rejection of the application and the wordings in the said provisions are very broad in nature, which may deprive the opportunities, not only of the applicants who are entitled for the special reservation for the special districts, but also applicants like the present appellant. So it can be seen that no substantial or material impact is there as far as District is concerned for all these appellants and the main relevant criteria is State/UT.

22. Moreover, we see from the domicile certificates produced by the

revenue authorities in these cases that the revenue authorities certify the domicile only with reference to the State of Kerala and incidentally, the local body where the candidate is residing as well as the village, taluk, district, etc. are also shown in the domicile certificate produced herein. Hence, we have no hesitation to hold that, in the facts and circumstances of these particular cases, State is the paramount and relevant consideration and district has no relevance at all for the selection or

non-selection of applicants like the present appellants.

Hence, we are of the view that for a mistake of this nature, the same has not made any impact or material difference in the process of consideration and assessment of candidates, including the appellants herein. The mistakes appear to be inadvertent and bonafide. All the appellants are in their early twenties. We are told by the learned Advocates appearing for the appellants that they had no idea whatsoever about the concept of domicile and since the revenue authorities were issuing both nativity certificates and domicile certificates, all of which have been produced in these cases, there arose some confusion and the appellants in the first case proceeded to state the District with reference to their present place of residence, whereas the appellant in the second case proceeded to state his domicile on the basis of the place of his father's ancestral home. The domicile certificates were obtained by them only much after the submission of the application for the selection. It is also seen that all the appellants have correctly shown their postal addresses and permanent addresses, wherein the district is correctly shown. For all these reasons, we are persuaded to accept the line of reasoning and conclusion arrived at by the Division Bench of the Bombay High Court in the abovesaid Ext.P-33 judgment produced in W.A No.106/2022.

23. In the light of the above aspects, it is ordered that the

aforementioned impugned rejection orders in these cases issued by the respondents as regards the cases of the appellants herein, will stand quashed and set aside. The respondents herein shall consider the candidatures of the present

appellants for the abovesaid selection process and shall not reject the candidatures of the appellants solely on the ground that they have incorrectly mentioned their district in column No.17 of the proforma application. Consequential action should be finalized regarding the consideration of selection of the appellants herein without any further delay at any rate within one month

from the date of receipt of a copy of this judgment. Until then, the interim order

passed by us in these appeals, directing to keep the unfilled vacancies for consideration of the candidatures of the appellants will continue to be in force. These aspects of the matter have not been taken note of while rendering of the impugned judgment. Accordingly, the impugned

judgment dated 09.12.2021 rendered by the learned Single Judge in

W.P(C) No.26189/2020 and the impugned judgment dated 04.01.2021 rendered in W.P(C) No.13460/2020, will stand set aside.

With these observations and directions, the above Writ Appeals will stand finally disposed of. Sd/- ALEXANDER THOMAS, JUDGE Sd/- VIJU ABRAHAM, JUDGE
vgd APPENDIX OF WA 106/2022 APPELLANTS' ANNEXURES ANNEXURE I TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 22.11.2017 OF THE 2ND APPELLANT. ANNEXURE II TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 31.12.2020 OF THE 3RD APPELLANT. ANNEXURE III TRUE COPY OF THE COMMUNICATION DATED OCTOBER 2021 ISSUED BY THE 8TH RESPONDENT TO THE 1ST APPELLANT. ANNEXURE IV TRUE COPY OF THE CANDIDATE'S COPY OF REVIEW MEDICAL EXAMINATION REPORT OF THE 1ST APPELLANT. ANNEXURE V TRUE COPY OF THE COMMUNICATION DATED OCTOBER 2021 ISSUED BY THE 8TH RESPONDENT TO THE 2ND APPELLANT. ANNEXURE VI TRUE COPY OF THE CANDIDATE'S COPY OF REVIEW MEDICAL EXAMINATION REPORT OF THE 2ND APPELLANT. ANNEXURE VII TRUE COPY OF THE COMMUNICATION DATED SEPTEMBER 2021 ISSUED BY THE 8TH RESPONDENT TO THE 3RD APPELLANT. ANNEXURE VIII TRUE COPY OF THE CANDIDATE'S COPY OF REVIEW MEDICAL EXAMINATION REPORT OF THE 3RD APPELLANT. ANNEXURE IX TRUE COPY OF THE REPRESENTATION DATED 29.7.2021 PREFERRED BY THE 1ST APPELLANT TO THE HON'BLE PRESIDENT OF INDIA. ANNEXURE X TRUE COPY OF THE COMMUNICATION NIL DATED IN HINDI ISSUED BY THE UNDER SECRETARY OF THE 3RD RESPONDENT SCC TO THE 1ST APPELLANT WITH ENGLISH TRANSLATION. ANNEXURE XI TRUE COPY OF THE COMMUNICATION NIL

DATED IN

HINDI ISSUED BY THE UNDER SECRETARY OF THE 3RD RESPONDENT SCC TO THE 2ND APPELLANT WITH ENGLISH TRANSLATION. ANNEXURE XII TRUE COPY OF THE COMMUNICATION NIL DATED IN HINDI ISSUED BY THE UNDER SECRETARY OF THE 3RD RESPONDENT SCC TO THE 2ND APPELLANT WITH ENGLISH TRANSLATION.

APPENDIX OF WA 479/2021 APPELLANTS' ANNEXURES ANNEXURE-A TRUE COPY OF THE FINAL RESULT PUBLISHED BY THE 3RD RESPONDENT VIDE COMMUNICATION NO.07/01/2018-C-1/2 (VOL-II) DATED 28.01.2021 ANNEXURE-B A TRUE COPY OF THE NOTICE F.NO.3-2/2017-P&P-I DATED 11.10.2018 OF THE 3RD RESPONDENT ANNEXURE-C TRUE COPY OF THE NOTICE F.NO.07/01/2018-C-I/2 DATED 24.07.2019 OF THE 3RD RESPONDENT

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