

Udai and ors. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Dec-05-2003

Reported in : 2004(1)AWC641; (2004)2UPLBEC1775

Judge : M. Katju and ;Umeshwar Pandey, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 53820 of 2003

Appellant : Udai and ors.

Respondent : State of U.P. and ors.

Advocate for Def. : Pushpendra Singh, S.C.

Advocate for Pet/Ap. : Amarendra Nath Singh, Adv.

Disposition : Petition dismissed

Judgement :

M. Katju and Umeshwar Pandey, JJ.

1. Through this petition under Article 226 of the [Constitution of India](#) the petitioners challenge the Impugned orders dated 16.10.2003 (Annexures-3, 4 and 5 to the writ petition) passed by respondent No. 2, U. P. Public Service Commission separately against them.

2. It is contended in the petition that the petitioners had applied through their applications meant for selection to the posts for which the competitive test of Combined State/Subordinate Services (Preliminary) Examination, 2003, is proposed. The applications were duly filled and sent by the petitioners to the Commission and subsequently it was intimated to them that their candidatures have been rejected. The petitioners claim themselves to belong to 'Bhar' community which is treated to be Scheduled Caste and they were categorized as denotified tribes. According to them, they had filled up their computerized form, but their candidatures have been rejected vide the aforesaid Annexures-3, 4 and 5 stating that the forms filled by them is not in proper proforma. They further contend that the form in its proforma was supplied by the respondent/ Commission itself. Since they are denotified tribes, they have filled the form accordingly in that manner.

3. We have heard the learned counsel for the petitioners, Sri Amarendra Nath Singh and Sri Pushpendra Singh, the learned counsel appearing for the U. P. Public Service Commission.

4. The original application form for the preliminary test for the aforesaid competitive examination of all the three petitioners have been presented before us by Sri Pushpendra Singh and it has been shown that the column No. 8A which requires information from the candidates about their community, has sub-columns of General, S.C., S.T. and O.B.C. It is obvious that the petitioners have filled it claiming themselves to be denotified tribes. This class of community as has been depicted by the petitioners in Column No. 8A is not a recognised category for the purposes of filling the form of the aforesaid preliminary test. Sri Pushpendra Singh, has emphasised that because there are boxes meant for being filled up by the candidates in the aforesaid column and they have been left blank by the petitioners, the computer has rejected their forms. The form, as such, was required to be filled correctly and if any candidate without following the procedure required for filling such form goes out of the way and mentions certain things which are not acceptable to the computer, the form has to be rejected. It is in such a situation that the respondent/Commission has rejected the form and sent information of the same to the petitioners.

5. The learned counsel for the Commission has further contended that the respondent had given opportunity to the candidates to correct the mistakes also. The learned counsel has further contended that the candidates were also given due intimation by postal letter and newspaper notifications prior to their final rejection of the form for making corrections in it. The petitioners in spite of that did not approach the respondent/Commission to get their forms duly corrected and as such their candidatures have been rejected. Sri Pushpendra Singh has also shown to us the newspaper notifications which have been given in the daily 'Dainik Jagran'.

6. In reply to the aforesaid, the learned counsel for the petitioners, Sri Amarendra Nath Singh has tried to emphasise that the State Government by certain notifications has categorised the petitioners as denotified tribe and under that impression only they have shown themselves accordingly in their application forms. On account of such a flimsy mistake the candidature of the petitioners could not have been rejected. The petitioners belong to a particular community as recognised by the Government Order to be a denotified tribe and making mention of the same cannot be treated as a mistake.

7. From the perusal of the pleadings and that of the original application forms of the petitioners, it appears that though the petitioners claiming themselves as belonging to a denotified tribe have mentioned it in their application forms, but such reference of their being a denotified tribe is not required to be given in the aforesaid column No. 8A of the form. The form shows that there are only four categories which have been mentioned in the said form viz., General, S.C., S.T. and O.B.C. If the petitioners belong to any of the four categories they were required to mention and fill the particular sub-column accordingly. If such a simple point could not be followed and understood by the petitioners while filling the form, there is none other to blame for it. If the petitioners did not belong to S.C./S.T. and O.B.C. 'category' the category, left for them is only of General category and the sub-column should have been filled accordingly. The petitioners offered themselves as candidates for the elite State Services (P.C.S. Executive) and if they are not able to follow the simple instructions as to what and in what manner their forms are to be filled, we feel that their candidatures have been rightly

rejected.

8. As is obvious, the application form is meant to be processed through a computerized system. Even a small mistake will be of consequence and will entail rejection of the application form/candidature of the applicants. Such sort of warning is also found in the directions printed on the top of the form itself.

9. Apart from the above, the petitioners have been afforded one opportunity also by the respondent/U. P. Public Service Commission to come and rectify the mistake appearing in the application form, but it appears that no heed to that intimation has also been given by the petitioners and they have not approached respondent No. 2 to get the forms duly corrected.

10. In the aforesaid view of the matter, we do not find any substance in the petition which is hereby dismissed.

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