

(2022) 03 MP CK 0131

In the Madhya Pradesh High Court

Case No : Writ Petition No. 9338 Of 2021

Poonam Pal D/O Laxman Singh Pal

APPELLANT

Vs

Madhya Pradesh Gramin Bank

RESPONDENT

Date of Decision : 15-03-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 03 MP CK 0131

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Rishabh Singh Chauhan, Shishir Kumar Purohit

Final Decision : Allowed

Judgement

Pranay Verma, J

1. With consent finally heard.

2. By this petition preferred under Article 226 of the Constitution of India the petitioner has prayed for a direction to the respondent to consider her candidature for the post of Office Assistant (Multi purpose) and to issue appointment order in her favour in light of offer letter dated 03.03.2021 for selection to the said post.

3. As per the petitioner, Institute of Banking Personnel Selection (IBPS) issued advertisement for recruitment of officers and Office Assistant (Multi purpose) in Regional Rural Banks including the respondent Bank. Petitioner duly registered herself and submitted the online form on 13.07.2020 for the post of Office Assistant (Multi purpose) under OBC category. On account of typographical mistake, the petitioner mentioned her date of birth as 02.11.1991 instead of 04.11.1991. Petitioner then appeared in the written examination and successfully cleared the same and offer letter dated 03.03.2021 was issued by the respondent Bank in her favour. The petitioner was called to report at head office of the respondent Bank on 18.03.2021 for documents verification.

4. As directed, the petitioner appeared before the head office of the respondent Bank on 18.03.2021 and furnished her original documents. However, the respondent Bank rejected the candidature and selection of the petitioner on the ground that she had filled incorrect date of birth in her application form. The petitioner preferred a representation before the respondent Bank seeking permission to make necessary correction in her date of birth in the application form, but no decision upon the same was taken hence she has approached this Court.

5. Reply has been filed by the respondent submitting that when the petitioner was called for document verification, her actual date of birth did not match with the date of birth given by her in the application form, hence, her candidature and selection was rejected.

6. Learned counsel for the petitioner submits that the petitioner has not gained by filling an incorrect date of her birth in her application form. Taking both the dates into account the petitioner would still be eligible for recruitment. The incorrect date mentioned in the application form by her was only a typographical mistake. The petitioner has been duly selected on merits and offer letter has been issued in her favour. The mistake on her part was inadvertent and trivial and ought to have been condoned by the respondent and appointment order ought to have been issued in her favour.

7. Learned counsel for the respondent submits that as the date of birth as mentioned by the petitioner in her application form was incorrect, the same having been discovered at the time of inspection of her original documents, her candidature has rightly been rejected.

8. I have heard learned counsel for the parties and have perused the record. The question for determination in this petition is whether candidature of the petitioner ought to have been cancelled on ground of typographical error in her date of birth in her online application after she had cleared the written test and after interview offer letter had been issued in her favour.

9. A candidate applying for a Government job should fill up the application form carefully. The candidate cannot claim any vested right of rectification of errors in application. When material discrepancy is noticed in the application form, the candidature may be cancelled even after the application has been processed and candidate has been allowed to participate in the selection process. But when a candidate has participated in the selection process and has cleared all the stages successfully, candidature should not be cancelled without careful scrutiny of the gravity of the lapse. The same cannot be done for minor omissions or errors.

10. The difference between the actual date of birth of the petitioner and the date filled by her in the application form was only of two days. The petitioner has not derived any benefit whatsoever on account of the said difference. The case of petitioner is not that she has not at all been shortlisted or has not been allowed to participate in the selection process. She has been so allowed and has emerged

successful in every stage. Respondent has not looked into the trivial nature of lapse on part of the petitioner. It is not a case of concealment of any criminal prosecution by the petitioner or suppression of a like nature. It is also not a case of any deliberate misrepresentation on her part. The information wrongly given by the petitioner was not a very material information.

11. It is not the case of respondent itself that the petitioner has derived any advantage by entering the wrong date of birth in the application. There was no intentional misrepresentation on part of the petitioner as she had submitted her school Certificate. There is a difference between a mere inadvertent error and misrepresentation or suppression. Cancellation of candidature of petitioner on the ground of typographical error in her application form is hence arbitrary and grossly disproportionate to the gravity of her lapse.

12. The Delhi High Court has also in similar circumstances, in W.P. (C) No.11642/2016, Ajay Kumar Mishra V/s. Union of India & Others decided on 23.12.2016 held as under :-

“15. As observed above, it is not the case of the respondents that the petitioner derived any advantage by entering the wrong date of birth in his online application. There is a difference between a mere inadvertent error and misrepresentation or suppression. There could be no intentional misrepresentation as the school certificate was submitted. The penalisation of cancellation of the candidature on the ground of a typographical error is arbitrary, unreasonable harsh and disproportionate to its gravity of the lapse. ”

13. As a result the petition is allowed. The respondent is directed to consider the candidature of petitioner for the post of Office Assistant (Multi purpose) and to issue appointment order in her favour in light of offer letter dated 03.03.2021.

14. No order as to costs.