



W.P. No. 19419/2020
**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

WRIT PETITION No. 19419 of 2020

ROHIT GAMI

Versus

***UNION OF INDIA THROUGH THE CHAIRMAN, STAFF
SELECTION COMMISSION AND OTHERS***

Appearance:

Shri Manoj Manav -Advocate for petitioner.

Ms.Nidhi Bohara –Advocate for the respondents.

Reserved on : 17/03/2026

Post on : 25/03/2026

ORDER

1. By way of the present Writ Petition filed under Article 226 of the Constitution of India, the petitioner has mounted a challenge to the impugned order dated 16.11.2020 passed by Respondent No. 3.

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Through the said order, the candidature of the petitioner for the post of Constable (GD) in Central Armed Police Forces (CAPFs), NIA, SSF and Rifleman (GD) in Assam Rifles Examination, 2018, has been rejected on the sole ground of a mismatch between the domicile district mentioned in his online application form and the original domicile certificate produced during the Detailed Medical Examination (DME) and document verification stage. The petitioner essentially seeks a writ of certiorari for quashing the impugned order dated 16.11.2020, and a consequential writ of mandamus directing the respondents to accept his original, valid domicile certificate of District Shajapur instead of Khargone (West Nimar), thereby processing his appointment strictly on merits.

FACTS OF THE CASE

2. The factual matrix, as delineated in the petition and drawn from the record, reveals that the Staff Selection Commission (SSC) issued an advertisement on 21.07.2018, inviting online applications for the post of Constable (GD) across various Central Armed Police Forces.

3. The petitioner, an eligible aspirant, submitted his application through the MP ONLINE portal on 15.09.2018. It is the pleaded case of the petitioner that while filling out the online form, the computer operator at the kiosk inadvertently selected the district of

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domicile as 'Khargone (West Nimar)' in column no. 17 from the drop-down menu, instead of his actual domicile district which is '(Kalapipal) Shajapur'.

4. Crucially, within the very same online application form, under column nos. 24 and 25 which pertain to the permanent address and postal address respectively the petitioner correctly provided his detailed address as Kalapipal, District Shajapur.

5. The petitioner asserts that this data entry error occurred due to a bona fide mistake by the kiosk operator, further compounded by a severely slow-running server. This technical sluggishness was a systemic issue that the respondents themselves had formally acknowledged via notices dated 14.08.2018 and 12.09.2018, wherein candidates were advised to utilize off-peak hours for form submission.

6. Notwithstanding the typographical error in column 17, the petitioner successfully participated in the written examination held on 18.02.2019, securing an exemplary score of 90% out of 100 marks against a cut-off of 73.8%. Following this, he was called for the Physical Standard Test (PST) and Physical Efficiency Test (PET) on 20.08.2019, which he cleared successfully, paving the way for his Detailed Medical Examination (DME) and document verification on 29.01.2020.

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7. During the document verification on 29.01.2020, the petitioner submitted all original documents, including his marksheet, caste certificate, and the original domicile certificate of Tehsil Kalapipal, District Shajapur. The respondents, however, refused to accept the domicile certificate citing the discrepancy with column no. 17 of the online form. Despite the petitioner submitting an affidavit dated 06.08.2019 explaining the inadvertent error, an initial rejection order was passed on 31.01.2020. Aggrieved, the petitioner filed Writ Petition No. 3221/2020 before this Court. On 25.02.2020, with the consent of the respondents' counsel, this Court disposed of the petition directing the respondents to take an appropriate decision, specifically observing that "if the said mistake otherwise has no effect on the selection then it needs to be considered as technical error." Despite a detailed representation and the subsequent filing of Contempt Petition No. 1107/2020, the respondents passed the impugned order dated 16.11.2020, mechanically rejecting his candidature.

CONTENTIONS OF THE PETITIONER

8. The primary contention advanced on behalf of the petitioner is based on the "Internal Consistency" of the application form. It is argued that in Columns 24 and 25 (Permanent and Postal Address) of the same application form, the petitioner correctly mentioned

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Kalapipal, District Shajapur. If the petitioner had a malafide intention to claim a fake domicile in Khargone, he would have necessarily altered his permanent address as well. This internal inconsistency on the face of the form proves it was an inadvertent, mechanical error by the Kiosk operator, not a calculated fraud.

9. Secondly, the petitioner relies on the "No Undue Advantage" argument. It is submitted that a technical error should only lead to cancellation if it gives the candidate an unfair competitive advantage. The petitioner secured 90% marks, vastly exceeding the cut-off of 73.8%. Unless Khargone was a specialized district (like Naxal/Militancy-affected or Border district) granting a significantly lower cut-off than Shajapur, the petitioner gained zero competitive advantage from this error and qualified purely on his high merit.

10. Thirdly, the petitioner draws a sharp distinction between an "inadvertent error" and "suppression of material fact." It is contended that the rules cited by the respondents for cancellation are designed to catch candidates who use fake domiciles to claim territorial reservations or age/height relaxations, not to punish a genuine human error. Furthermore, taking judicial notice of the "Cyber Cafe / Kiosk Operator" reality, it is argued that candidates from rural backgrounds rely on operators whose hurried, mechanical data entry—especially when "Khargone" and "Kalapipal/Shajapur" might be adjacent in a drop-down or easily

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confused due to the letter 'K'—should not destroy the career of a meritorious youth.

11. Lastly, it is urged that the impugned order dated 16.11.2020 is arbitrary and passed in defiance of the previous High Court order dated 25.02.2020, which explicitly directed the respondents to treat the mismatch as a technical error if it did not affect the selection metrics.

CONTENTIONS OF THE RESPONDENTS

12. Per contra, the respondents heavily rely upon the binding nature of the terms and conditions stipulated in the Notice of Examination. They emphasize that the advertisement explicitly cautioned candidates, in capitalized letters, that "NO REQUEST FOR CHANGE OF DOMICILE STATE AND DISTRICT WILL BE ENTERTAINED BY THE COMMISSION AFTER SUBMISSION OF APPLICATION FORM UNDER ANY CIRCUMSTANCES." Furthermore, they defend their digital infrastructure by stating that the online application portal utilized a "double verification" system, requiring candidates to select their domicile state and district from a drop-down menu and verify it again in the subsequent column. The system only accepted the form if both entries matched, which according to the respondents, renders

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the petitioner's claim of an inadvertent mistake untenable and classifies it as a conscious, deliberate act.

13. The respondents further justify their strict adherence to the rules by highlighting the massive scale of the pan-India recruitment, involving over 52.4 lakh candidates. They submit that vacancies are strictly earmarked for General Districts, Border Guarding Districts, and Naxal/Militancy affected districts, each operating with separate cut-off marks. Permitting manual corrections to domicile data at a crucial, late stage like the DME would disrupt the entire administrative machinery and compromise the sanctity of the selection procedure.

14. To legally fortify their defense, the respondents cite the judgment of the Hon'ble Jharkhand High Court in ***WP (S) No. 1721/2020 (Prakash Paswan vs. The Secretary, Staff Selection Commission)***, decided on 06.01.2021, where a similar plea for domicile correction in the exact same examination was dismissed on the ground that candidates are estopped from raising grievances after participating with full knowledge of the strict rules, and that Article 14 cannot be invoked for negative equality. Additionally, reliance is placed on the order of the Hon'ble Madras High Court in Review Application No. 7/2021, decided on 03.02.2021, which reviewed and dismissed earlier writ petitions that had granted such concessions on the basis of erroneous standing counsel concessions.

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15. The respondents also rely upon the Full Bench decision of the Punjab and Haryana High Court in ***Indu Gupta vs. Director, Sports Punjab and Anr. (1999)***, and similar orders from the Allahabad and Patna High Courts, to assert the settled proposition of law that instructions contained in an information brochure possess the force of law, are strictly mandatory, and cannot be relaxed to accommodate individual errors without introducing arbitrariness into the selection process.

ANALYSIS AND CONCLUSION

Heard both counsel for parties and carefully perused the record.

16. Based on the rival pleadings and the specific directions for analysis, the following issues fall for the determination of this Court: (a) Whether the incorrect entry of the domicile district in the online application form demonstrates a malafide intent, or if it can be established as an inadvertent human error given the internal consistency of the form? (b) Whether the petitioner gained any unfair competitive advantage through this technical error? (c) Whether the strict cancellation rules should apply to genuine, bona fide mistakes or be restricted to cases of suppression and deliberate misrepresentation? (d) Whether the impugned order dated

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16.11.2020 suffers from arbitrariness for failing to adhere to the mandate of this Court's previous order dated 25.02.2020?

17. Addressing the first issue regarding intent, this Court finds overwhelming merit in the "Internal Consistency" argument advanced by the petitioner. A bare perusal of the application form unequivocally reveals that while column no. 17 reflects the domicile district as 'Khargone', column nos. 24 and 25 clearly state the petitioner's permanent and postal address as Kalapipal, District Shajapur. Had the petitioner harbored a calculated, malafide intent to secure a fraudulent domicile in Khargone, he would have invariably manipulated his permanent address to align with that district. The fact that the addresses were truthfully and correctly stated demonstrates beyond a shadow of a doubt that the entry in column 17 was a mechanical slip. Furthermore, the respondents' reliance on the "double verification" system fails to account for the recognized ground realities of rural and semi-urban India. Candidates heavily depend on MP Online Kiosks. A hurried kiosk operator, navigating a sluggish server, can easily select the wrong adjacent drop-down option starting with the letter 'K' and repeat the same error in the verification column. The system only confirms the repetition of the data entry; it does not negate the human error inherent in the process.



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18. On the second issue of unfair competitive advantage, the record is undisputed that the petitioner is an exceptionally meritorious candidate. He secured an outstanding 90% marks in the written examination against a substantially lower cut-off of 73.8%. The respondents have utterly failed to place any material on record to show that Khargone falls under a specialized category (such as Border or Naxal/Militancy affected) that afforded the petitioner a lower qualifying threshold compared to his actual domicile of Shajapur. Therefore, the petitioner gained zero competitive advantage from this typographical error and qualified entirely on his own merit.

19. Consequently, addressing the third issue, this Court must draw a firm distinction between an inadvertent technical error and the suppression of material facts. The stringent clauses in the advertisement, which mandate cancellation for a mismatch of domicile, are fundamentally designed as a shield to penalize misrepresentation and prevent unscrupulous candidates from illegally usurping territorial reservations. They are not intended to be applied as a mechanical sword to destroy the career of a truthful candidate who genuinely holds a valid certificate and simply fell victim to a data-entry error at a cyber kiosk.

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20. At this juncture, it is imperative to analyze and distinguish the case laws heavily relied upon by the respondents. The respondents cited the Jharkhand High Court decision in ***Prakash Paswan (W.P. (S) No. 1721/2020)*** and the Madras High Court decision in Review Application No. 7/2021, which held that terms of the advertisement are sacrosanct and no concession can be granted. They further relied on ***Indu Gupta (supra)*** to establish the mandatory nature of brochure instructions. This Court respectfully observes that the judgments cited by the respondents operate on entirely different factual footings. None of the cited cases dealt with a factual matrix where the application form itself demonstrated glaring "internal consistency" (correct permanent address versus an incorrect domicile drop-down) thereby conclusively proving the error to be purely typographical. Furthermore, those cases did not involve a prior judicial directive from a Coordinate Bench specifically mandating the authorities to assess if the error was merely "technical." Therefore, the rigid application of the estoppel principle seen in the respondents' citations cannot be blindly imported into the unique, verifiable facts of the present case.

21. Instead, the legal issue at hand is squarely covered by the recent and binding pronouncement of the Hon'ble Supreme Court in ***Vashist Narayan Kumar v. State of Bihar, (2024) 11 SCC 785*** :

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2024 SCC OnLine SC 2. The Apex Court, invoking the legal maxim *De minimis non curat lex* (the law does not concern itself with trifles), carved out a narrow exception for trivial errors, observing as under:-

“15. Recently this Bench in Divya v. Union of India [Divya v. Union of India, (2024) 1 SCC 448 : (2024) 1 SCC (L&S) 174 : 2023 INSC 900] , while declining relief to candidates who acquired eligibility after the date mentioned in the notification carved out a narrow exception. There, the judgment in Ajay Kumar Mishra v. Union of India [Ajay Kumar Mishra v. Union of India, 2016 SCC OnLine Del 6553] , a case very similar to the facts of the present case, was noted. In Ajay Kumar Mishra [Ajay Kumar Mishra v. Union of India, 2016 SCC OnLine Del 6553] , Indira Banerjee, J. (as her Ladyship then was) speaking for the Division Bench of the Delhi High Court in para 9 stated as under: (Ajay Kumar Mishra case [Ajay Kumar Mishra v. Union of India, 2016 SCC OnLine Del 6553] , SCC OnLine Del) “9. It is true that whenever any material discrepancy is noticed in the application form and/or when any suppression and/or misrepresentation is detected, the candidature might be cancelled even after the application has been processed and the candidate has been allowed to participate in the selection process. However, after a candidate has participated in the selection process and cleared

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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.”

(emphasis supplied)

The exception for trivial errors or omissions is for the reason that law does not concern itself with trifles. This principle is recognised in the legal maxim — De minimis non curat lex.

19. *In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered. In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the order dated 22-11-2021 in Prince Jaibir Singh v. Union of India [Prince Jaibir Singh v. Union of India, (2024) 11 SCC 793] , this Court rightly observed that though technology is a great enabler, there is at the same time, a digital divide.*

20. *In one of the cases cited as a precedent in the counter-affidavit, before the High Court, Pankaj Paswan v. State of Bihar [Pankaj Paswan v. State of Bihar, 2015 SCC OnLine Pat 8739] , the State had taken a defence that many*

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candidates applied in more than one place and hence there could be deliberate tweaking in the date of birth to take advantage of the selection process in more than one district or region. It is very important to notice that there is no such plea taken in the present case. If any such device or trick had been adopted, the State would have easily detected the same and placed the same before the Court. The fact that the same has not been done shows that there was no trick or device resorted to by the appellant. It is a trivial error which appears to be a genuine and bona fide mistake. It will be unjust to penalise the appellant for the same."

Applying this ratio, the petitioner's mistake is a molehill out of which the respondents have unjustly attempted to make a mountain.

22. Finally, addressing the fourth issue, this Court notes that in the earlier round of litigation (WP 3221/2020), this Court via order dated 25.02.2020 explicitly directed the respondents to consider if the mistake "has no effect on the selection" and if so, to treat it as a "technical error." By passing the impugned order dated 16.11.2020, the respondents exhibited a pedantic, closed-mind approach, wholly ignoring the spirit and mandate of the judicial directive. By failing to objectively assess the lack of competitive advantage and the internal consistency of the form, the impugned order suffers from the vice of non-application of mind and manifest arbitrariness, thereby violating Articles 14 and 16 of the Constitution of India.

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23. Based on the detailed analysis undertaken above, this Court concludes that the error committed by the petitioner was a trivial, inadvertent, and bona fide typing mistake that had absolutely no bearing on the merits of the selection. The petitioner proved his exceptional merit at every stage. The respondents' action in rejecting the candidature of a highly meritorious youth on a hyper-technical ground, while ignoring their own systemic server issues and the internal consistency of the application, is legally unsustainable and cannot be countenanced in law.

24. Consequently, the Writ Petition is **Allowed**. The impugned order dated 16.11.2020 (Annexure P/1) passed by Respondent No. 3 is hereby **quashed and set aside** in its entirety.

25. The respondents are hereby directed to treat the domicile of the petitioner as 'Kalapipal, District Shajapur' instead of 'Khargone (West Nimar)'. The respondents are further directed to accept the original domicile certificate of District Shajapur submitted by the petitioner as valid, and to process his candidature and appointment for the post of Constable (GD) strictly on the basis of his merit, without treating the mismatch in column 17 as a disqualification.

26. Let this entire exercise of processing the appointment, subject to the petitioner fulfilling all other requisite medical and physical



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eligibility criteria, be completed within a period of **60 days** from the date of receipt of a certified copy of this order.

27. Pending applications, if any, are **disposed of** accordingly.

No order as to costs.

(Jai Kumar Pillai)
Judge

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