



2026:AHC:63564-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 215 of 2026

Uttar Pradesh Public Service Commission Through
Its Chairman/Secretary

.....Appellant(s)

Versus

Smt Suneeta Rai And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sanjay Kumar Om
Counsel for Respondent(s)	:	Anirudh Kumar Upadhyay, C.S.C.

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

C.M. Delay Condonation Application No. 01 of 2026

1. Cause shown sufficient. Delay in filing an appeal is condoned.
2. Application is *allowed*.

Order on Appeal

3. Heard Shri Sanjay Kumar Om, learned counsel for respondent Uttar Pradesh Public Service Commission ('UPPSC' in short)/appellant and Shri R.K. Ojha, Senior Advocate, assisted by Shri Anirudh Kumar Upadhyay, learned counsel for the original petitioner/respondent.

4. Present intra-Court appeal has arisen against the order of the learned single judge dated 13.02.2026 in **Smt. Suneeta Rai vs State of U.P. & Anr., 2026:AHC:32646**. By that order, writ Court has disposed of the writ petition with the following observations:

"8. Undisputedly, petitioner was not careful while submitting her online application and despite being a candidate of General category, she ticked against the column of OBC and she has not corrected the online form within stipulated period, however, request was rejected by impugned order that such defect cannot be cured after stipulated period was over and she has not submitted any document in support of her claim as mentioned in online form of OBC.

9. Court finds that petitioner has not committed any fraud. She has committed an error

while filling incorrect details in application form and has not taken any step to support it by forged document that she belongs to OBC rather since she became aware of the defect in her online form, she filed an affidavit to cure the defect, however, on a technical ground, her prayer was rejected. The petitioner has also participated in the examination process and till date process is not concluded entirely, therefore, if this Court permits that petitioner be considered as a General category candidate which she is, no prejudice be caused to other candidates. No extra exercise would be required at the behest of respondents. The judgements cited by learned Senior Advocate for petitioner has substance.

10. In aforesaid circumstances, this writ petition is disposed of by modifying the impugned order that so far as petitioner is concerned that she may be treated as a General category and her result be declared and if she is passed, legal consequence of it shall follow.

11. However, in case recruitment process has already been concluded and final result has been declared, respondents are not bound to follow the present order."

5. At present, after the screening test, the Commission has conducted interviews. That result is still awaited. To the extent final result has not been declared, the cause of action survives in terms of the order of the learned single judge.

6. Submissions advanced by learned counsel for the Commission are, under Clause 1 of the Special Conditions to the advertisement, no correction to the application form may be made after the last date for making corrections, prescribed in that advertisement. Under Advertisement no. A-5/E-1/2024 dated 28.08.2024, applications were invited by the appellant Commission from 28.08.2024 to 28.09.2024. The last date for making correction and fees reconciliation, was 05.10.2024. Clause 1 of the Special Conditions of the said Advertisement reads as below:

"अभ्यर्थियों द्वारा ऑनलाइन आवेदन करने की अंतिम तिथि / संशोधन तिथि तक ही श्रेणी, उपश्रेणी, डोमिसाइल, लिंग, जन्मतिथि, ई.डब्ल्यूएस., क्रीमीलेयर, नाम व पते का जो दावा किया जाएगा, वही मान्य होगा। अन्तिम तिथि के बाद कोई भी परिवर्तन संबंधी प्रत्यावेदन स्वीकार नहीं होगा। गलत सूचना प्रस्तुत करने पर अभ्यर्थन निरस्त माना जायेगा।"

(emphasis supplied)

7. Undeniably, the original petitioner filled up the application form under the Advertisement for recruitment to post of Assistant Registrar. While filling up her online form, she disclosed her status as member of 'OBC'. However, she did not enclose thereto the certificate prescribed as Appendix -1 to the Advertisement, in support of her claim for reservation. Relevant to the above, Note 5 and Note 10 to Clause 5 of the said Advertisement read as below:

"5. आरक्षण:

Note:- (1)

(5) आरक्षण/आयु में छूट का लाभ चाहने वाले अभ्यर्थी संबंधित आरक्षित श्रेणी के समर्थन में इस विस्तृत विज्ञापन के परिशिष्ट-1 पर उपलब्ध निर्धारित प्रारूप पर सक्षम प्राधिकारी द्वारा जारी प्रमाण पत्र प्राप्त कर ले एवं जब उनसे अपेक्षा की जाये तब वे उसे आयोग को प्रस्तुत करें।

.....

(10) अभ्यर्थियों द्वारा परीक्षा में अपने आवेदन में पात्रता तथा आरक्षण का लाभ प्राप्त करने हेतु जिस श्रेणी / उप श्रेणी का दावा किया गया है उसके समर्थन में समस्त वांछित प्रमाण-पत्रों की स्वप्रमाणित प्रतियां प्रश्नगत् परीक्षा के आवेदन पत्र के साथ संलग्न किया जाना अनिवार्य है अन्यथा उनका दावा स्वीकार नहीं किया जायेगा।"

(emphasis supplied)

8. Also for ready reference, the form prescribed in Appendix -1 to the Advertisement, reads as below:

"परिशिष्ट- 1

उ०प्र० की अनुसूचित जाति तथा अनुसूचित जनजाति के लिये जाति प्रमाण-पत्र (प्रारूप-पत्र)

प्रमानित किया जाता है कि श्री/श्रीमती/कुमारी सुपुत्र/सुपुत्री श्री निवासी
ग्राम तहसील नगर जिलाउत्तर प्रदेश राज्य की
..... जाति के व्यक्ति है जिसे संविधान अनुसूचित जाति) आदेश 1950 (जैसा कि समय-समय पर
सशोधित हुआ) / संविधान (अनुसूचित जनजाति, उत्तर प्रदेश) आदेश, 1967 के अनुसार अनुसूचित जाति /
अनुसूचित जनजाति के रूप में मान्यता दी गई है।

श्री / श्रीमती / कुमारी तथा/अथवा उनका परिवार उत्तर प्रदेश के तहसील
ग्राम नगर जिला में सामान्यतया रहता है।

स्थान

हस्ताक्षर

दिनांक

पूरा नाम

मुहर

पद नाम

जिलाधिकारी / अतिरिक्त जिलाधिकारी / सिटी मजिस्ट्रेट / परगना मजिस्ट्रेट / तहसीलदार / अन्य वेतन भोगी
मजिस्ट्रेट, यदि कोई हो / जिला समाज कल्याण अधिकारी।"

9. Before the conduct of the screening test, on 17.01.2025 and 17.02.2025, the original petitioner sent the application supported by her personal affidavit, to the Commission, disclosing that she had wrongly filled up (OBC) against the caste category in her application form. She thus prayed for correction to her application form. Since her result had not yet been declared by the Commission. On the other hand, according to the Commission, on screening of the document, it was noted, the petitioner was not a member of 'OBC' as she had not filed any affidavit in support of her claim. Therefore, her candidature had been rejected, on 14.01.2026.

10. It has been submitted by learned counsel for Commission, under Special Condition no.1 to the Advertisement, it is clearly provided, any wrong information furnished in the application form as may not have been corrected up to the last date, here 05.10.2024, would result in rejection of the application itself. To the extent there is no challenge to that Special Condition of the Advertisement, the order passed by the learned single judge is not sustainable in law. Reliance has been placed on **Bedanga Talukdar vs Saifudaullah Khan & Ors., (2011) 12 SCC 5**, decided on 28.09.2011.

11. On the other hand, learned senior counsel for the original petitioner would submit, merely because the petitioner may not have substantiated her claim as 'OBC', it may only disentitle her to the benefits of that claim. To the extent no part of the application form had been wrongly filled in any material respect, the harsh consequence of the rejection of the application form may not have arisen to her. He has relied on Note 10 of Clause 5 of the Advertisement.

12. Having heard learned counsel for the parties and having perused the record, in the first place, we accept - the terms and conditions of the Advertisement create a binding force of law between the parties including with respect to the validity of the application form submitted by the original petitioner.

13. Second, it cannot be denied, under Special Condition no.1 to the Advertisement (extracted above), wrong declaration made could result in rejection of the application form itself. It may also not be denied that in view of the clear stipulation made under the Advertisement, any correction in the application form may have been made only in the manner prescribed - up to the cut-off date prescribed therein.

14. However, as to the consequence of the rejection of the application form of the original petitioner, in the present case, it cannot be lost sight that the claim for reservation had to be supported by a Caste Certificate on the prescribed form contained in Appendix - 1 to the Advertisement.

15. Admittedly, the petitioner did not submit that form at the time of submitting her application, though she did describe her caste as 'OBC', against the field prescribed for caste description, in her application form. Therefore, it requires consideration if the said incompleteness in her form allowed any unfair advantage to the petitioner.

16. Here, it is an admitted case between the parties that the application fee prescribed for Unreserved category and 'OBC' category was one and the same. In absence of any preliminary examination or benefit of reservation or age relaxation etc. being available or sought by the original petitioner, it cannot be said, that the original petitioner drew any benefit on the wrong disclosure of her caste, noticed above.

17. The original petitioner only appeared along with all other candidates at the screening test. Though its result has been declared, no advantage has been drawn by the petitioner, till date, on the strength of the facts disclosed in her application form.

18. Seen in that light, Note 10 of Clause 5 of the Advertisement clearly provides the consequence of non-filing of supporting document/Caste

Certificate (as prescribed - on form Appendix -1 to the Advertisement). Only one consequence has been prescribed, namely, that the claim/'*Daawa*' for reservation would not be accepted. Thus, any candidate (including the original petitioner), who may not have supported their claim for reservation with the Caste Certificate as prescribed, may only be visited with the consequence of rejection of claim for reservation.

19. In view of that specific stipulation made by the Commission in the Advertisement itself, it never became open to the Commission to visit the original petitioner with harsher consequences of rejection of the application form itself.

20. To the above extent, Clause 1 as also Note 5 of Clause 5 of the Special Conditions have to be read together and reconciled. The rejection of the application may arise, amongst others, where such a wrong disclosure pertains to material fact affecting basic eligibility to apply under the Advertisement. Where the candidate may make such wrong disclosure and thereby draw an unfair advantage in their favour either for the purposes of payment of fee or for relaxation of age or any other purpose, such wrong disclosure may result in rejection of the application itself.

21. In the context of examinations where reservation is to be provided, any benefit of reservation granted may amount to availing undue advantage. However, such is not the case here. Consequently, merely because the petitioner may not have corrected the wrong disclosure of her caste status in the manner and within time prescribed by the Commission, may not have led to the rejection of a application but only to the rejection of her claim for reservation as a member of 'OBC'. To the extent the petitioner is not described to be otherwise ineligible, and further to the extent there is no other defect alleged by the Commission in her application form, by way of a natural consequence to the above discussion, the petitioner would remain eligible to compete in the said examination, as an unreserved/General candidate.

22. As to **Bedanga Talukdar (supra)**, that was a case where the claimant had not substantiated the claim as a person with bench mark disability in

the manner prescribed by law. Rather than supporting the case of the Commission, our view aligns with the view of the Supreme Court. In that case, Supreme Court found that such claim was not allowable as the claimant could not be described as a person with bench mark disability - entitled to reservation in that regard. The Supreme Court did not hold that in view of such facts, the claimant would be ineligible to compete under unreserved/General category.

23. Also, no reliance may be placed to the coordinate bench decision in **Santosh Kumar Pandey vs State of U.P. & 2 Ors., 2015:AHC:186060-DB**. There the mistake was on the O.M.R. sheets. Those cases would stand on completely different footing as no correction may be allowed in the O.M.R. sheets. Looked holistically, we find, the case of the petitioner may be equated with one who may have waived his right to claim reservation after making such initial disclosure, though they may actually belong to a social category entitled to such reservation.

24. Accordingly, present intra-Court appeal lacks merit and is **dismissed**. No order as to costs.

25. We leave it open to the Commission to give full effect to this order *qua* with respect to all other similar claims. Any action taken otherwise would be seen as one taken to give full effect to the order passed by this Court and the Commission would not be seen to have acted contrary to the rules and procedures governing the selection.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

March 26, 2026

Prakhar