



W.A. No. 1849 of 2025

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE**

**&**

**HON'BLE SHRI JUSTICE VINAY SARAF**

**WRIT APPEAL No. 1849 of 2025**

***JITENDRA AHIRWAR***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Advocates for the Appellant:**

*Shri Kapil Duggal, Advocate*

**Advocates for the Respondents:**

*Shri S.S. Chouhan, learned Government Advocate for the respondent/State.*

*Shri Rahul Diwakar, learned counsel for the respondent no.2.*

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***Reserved on*** : ***10.09.2025***

***Pronounced on*** : ***12.01.2026***

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**JUDGMENT**

***Per: Justice Sanjeev Sachdeva***

1. Appellant impugns order dated 24.06.2025, whereby the writ petition preferred by the appellant seeking a direction to remove the



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name of the appellant from general category and classify him as Scheduled Caste candidate, has been dismissed.

2. A notification was issued by the Madhya Pradesh Employees Selection Board for the Combined Recruitment Test-2022. An examination to be conducted for selection of Group – 2 (Sub-group-4) Sahayak Samparikshak and Patwari and other posts. As per the rule book issued for the subject examination for the various posts including the subject post of Patwari, 20% seats were reserved for the eligible contractual employee.

3. Appellant applied for the post of Patwari and in the application form, he selected the category of “Schedule Caste” and Class: “Contractual Employee (*Samvida Karmi*)” and submitted his form through the M.P. Online Limited.

4. In January, 2023, admit card was issued to the appellant and thereafter he participated in the examination. In the result declared on 08.07.2023, he was declared qualified under the Category; “unreserved” and Class: “Contractual employee” and open gender for the post of Code No. 153- Panchayat & Gramin Vikas, Bhopal.

5. Name of the appellant was not included in the list of successful candidates of ‘*Scheduled Caste/Nil/Open*’, however was included in the list of category of ‘*Unreserved/Samvida Karmi/Open*’. Appellant was thereafter called for documents verification on 24.02.2024 under



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the category in which he was shortlisted i.e. '*Unreserved/Samvida Karmi/Open*'. At the time of documents verification, it transpired that he did not belong to the Class of '*Contractual Employee*' and thus his name was not included in the final select list.

6. As per the Appellant, thereafter, he submitted an application to the Examination Controller of the Madhya Pradesh, Employees Selection Board requesting him to include his name in the list of other posts also but no decision was taken by the concerned Examination Controller upon the aforesaid application of the appellant, thus, appellant filed the subject Writ Petition praying for the following reliefs:

- “1. *Direct the Respondents to issue an appointment letter to the Petitioner.*
2. *Direct the Respondents to remove the name of Petitioner from General Category and classify the Petitioner as per his caste, i.e. Scheduled Caste.*
3. *Any other or further appropriate relief, order, writ or direction as this Hon'ble Court may think appropriate considering the facts and circumstances of the case in the interest of justice.”*

7. Respondents opposed the Petition contending that Appellant had appeared in the recruitment process of Group 2 (Sub Group 4) *Sahayak Samparikshak and Patwari* and Other Posts Combined Recruitment – 2022 and in the online application submitted by him, he had shown himself as a '*Contractual Employee (Samvida Karmi)*'. Said application was considered under the Category of '*Scheduled*



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Caste/*Samvida Karmi*/Open’ and considering the marks obtained by appellant, he was migrated to the category of ‘Unreserved/*Samvida Karmi*/Open’, however, at the time of documents verification, appellant failed to satisfy the authorities that he belonged to the Class of ‘Contractual Employee/*Samvida Karmi*’ and therefore, his candidature was not accepted and appointment letter was not issued on the ground that he had misrepresented at the time of submitting of application.

8. By the impugned order dated 24.06.2025, learned Single Judge has dismissed the petition holding that the disclosure of the candidature as a ‘Contractual Employee’ by the appellant was not an inadvertent error but was a willful disclosure of erroneous status intended to take wrongful benefit of special reservation meant for Contractual Employees in regular recruitment and therefore, respondents had not erred in rejecting the candidature of the Appellant and not issuing the appointment letter in his favour.

9. Shri Kapil Duggal, learned counsel for the appellant contended that the mistake was inadvertent and the same was committed by the KIOSK operator at the time of filling up of the online application form. He further contended that two additional benefits were extended to the candidates of *Samvida Karmi* category, however, first relaxation of age was not applicable in the case of appellant as the applicant is not otherwise age barred. He further submitted that it was incorrect to



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allege that attempt was made to take benefit of reservation of contractual employees as the person who was not a contractual employee, could not get the benefit by mere selecting the class in the application form until and unless he possessed the experience certificate issued by the competent authority. He submitted that no benefit could be given in favour of the appellant as admittedly he was not a contractual employee and had no experience certificate in that regard. Thus, he contended that even if for the sake of arguments, it was accepted that knowingly 'Contractual Employee/*Samvida Karmi*' class was chosen, same would not be helpful in the absence of experience certificate and therefore, there was no occasion for the appellant to opt for *Samvida Karmi* knowingly. He submits that mistake was bonafide and trivial in nature as the same would not confer any additional benefit to the appellant and this insignificant error made no difference to the ultimate result.

10. Reliance was placed by learned counsel for the appellant on the judgment of the Supreme Court in *Vashishta Narayan Kumar Vs. State of Bihar & Ors. 2024 SCC Online SC 2* wherein the Supreme Court has held that the candidates who has otherwise passed in the selection process and is otherwise not disqualified should not be debarred on the basis of trivial errors committed at the time of submission of online application form.



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11. Per Contra, Shri S.S. Chouhan, learned Government Advocate and Shri Rahul Diwakar, learned counsel for the Respondent no. 2 supported the impugned order and contended that Appellant had purposely submitted the application form in the ‘Contractual Employee/*Samvida Karmi*’ class with the intention to get benefit of 20% reservation and never raised any objection with regard to an error in selection of Class, from the date of submission of the application form till the date of issuance of the final selection list.

12. It was contended that when the candidature was rejected after verification of documents, then for the first time, in the month of April, 2024, appellant submitted an application for including his name in the list of Scheduled Caste/open category. It was further contended that said act of the Appellant could not be considered as a *bonafide* act and the mistake was not of trivial nature. They further submitted that attempt to take advantage of horizontal reservation is a serious matter and only on the failure to get such benefit, Appellant submitted the application and even in that application, it is not mentioned that because of a bonafide mistake, he opted for the class : Contractual Employee/*Samvida Karmi*.

13. Reliance was placed on the judgment of coordinate Bench of this Court in *Rahul Jatav Vs. Professional Examination Board & another* in W.A.No.1118/2020 decided on 18.11.2020 wherein the coordinate Bench agreed with the order of writ court holding that if at



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the time of verification of documents, educational qualification is not found correct as prescribed in the rules, the candidature should be rejected and no permission could be granted to transfer his candidature in other category for which he was eligible.

14. Further reliance was placed relied on the judgment of the Coordinate Bench in W.P. No.2018/2020 on 24.02.2022 in ***Kartar Singh Dhakar Vs. State of M.P. & Ors.***, wherein the coordinate Bench has dismissed the petition of a candidate seeking direction to correct the final result of the appellant in respect of the category of reservation on the ground that he opted for a wrong category as he comes from a rural background, from a family of agriculturist and inadvertently committed the mistake. The coordinate Bench has held that at the belated stage when the results had already been declared, correction was not permissible.

15. By order dated 21.08.2025, learned counsel for Respondent prayed for time to take instructions if any post was vacant in the Schedule Caste Category. On 10.09.2025, Learned Government Advocate stated that posts were vacant in the Schedule Caste category, however it was contended that Appellant was not entitled to be appointed in view of the misrepresentation in the application form.

16. In the present case, it is not in dispute that in the application form submitted by the appellant, he selected the Class: *Samvida Karmi* (Contractual Employee) by giving the answer in affirmative



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against the query raised in the application form that whether he is *Samvida Karmi* and wants to get the reservation under the said class. The application form was submitted through M.P. Online Limited.

17. When the result was declared and appellant was held qualified for the post of *Patwari* under the unreserved category of *Samvida Karmi* Class. The appellant was called for documents verification and thereafter his candidature was canceled on the ground that he did not possess the experience certificate as required for *Samvida Karmi*. Thereafter appellant made a request to include his name in the merit list of *Schedule Caste* category, in open class, which was declined.

18. Perusal of the application form filled by the Appellant shows that appellant had applied in the Schedule Caste Category and in respect of query as to whether he wanted a reservation of seat and age in terms of Rule 16(3) of the *Samivda Karmi* rule booklet, he had answered as Yes. The contention of the Appellant is that as the Appellant belonged to a Schedule Caste category and was seeking reservation in that category, the person who assisted in filling the online application form committed an error and answered Yes to the above question.

19. One of the reasons for the Respondents denying consideration of the application is that Appellant never applied for the correction even after his result was declared in the *Samvida Karmi* Class and he failed in the document verification.

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20. We note that in the Test Admit Card issued to the Appellant, his Category/Class has been shown as SC/NIL. This clearly shows that Appellant was issued the admit card in General Class and not in the *Samvida Karmi* Class. When the result was published, it was published separately for the unreserved category and the Reserved Category. The name of the Appellant did not figure in the Reserved Category List as he had scored higher marks than the last of the candidate in the unreserved category and his name figured in the list of unreserved category.

21. At this juncture it would be appropriate to refer to the column headings of the List in which the name of the Appellant figured. The same is as under:

## ANNEXURE - 5

31

EMPLOYEES SELECTION BOARD, BHOPAL  
MERIT GROUP-2 SUB-GROUP-4 PATWARI AND OTHER POST RECRUITMENT TEST RESULT : 2022  
Category : UNRESERVED/SAMVIDA Karmi/OPEN

Department Name : PANCHAYAT EVAM GRAMIN VIKAS VIBHAG, BHOPAL  
Post Name : (153) SAHAYAK VIKAS VISTAR ADHIKARI VARSH -2022-2023  
Date : 08/07/23 Page : 598

MERIT NUMBR	ROLLNO	NAME OF THE CANDIDATE FATHER'S NAME	SEX DOM	<OPTED> <ALLOT>	CAT/CLS CAT/CLS	BIRTH-DT AGE FOR UR	NORM. MARKS	BONUS MARKS	TOTAL MARKS
1	25384110	DEVANSH GOSWAMI MANOJ KUMAR GOSWAMI	M YES		OBC/NIL UR/SAMVIDA Karmi	29/04/2000 YES	153.08	--	153.08
2	25534053	JITENDRA AHIRWAR POORAN LAL AHIRWAR	M YES		SC /NIL UR/SAMVIDA Karmi	13/04/1997 YES	152.58	--	152.58
3	24713828	SHIVAM PATEL DEVI PRASAD PATEL	M YES		OBC/NIL UR/SAMVIDA Karmi	02/07/1994 YES	149.36	--	149.36
4	24611194	HARIT KUMAR SAHU RATNA KUMAR SAHU	M YES		OBC/NIL UR/SAMVIDA Karmi	03/07/1994 YES	148.89	--	148.89

22. The Column heading of Category and Class is subdivided into two: 'OPTED' and 'ALLOT'. Appellant figures at serial No. 2. In front of his name, it is stated that he opted for 'SC/NIL' but has been allotted 'UR/SAMVIDA Karmi'. The result is in consonance with the

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Admit Card where his Category and Class is also mentioned as 'SC/NIL'. Since in the admit card and also the result declared, the Category Class opted by the Appellant has been shown as 'SC/NIL' there was no reason for the Appellant to raise such an issue. If the candidate opts for a correct Category and Class but is allotted a reserved Class he would not raise any grievance as he would not be aware of the reason why the change has been made, he would presume that for certain administrative reasons his Class is changed and in any event why should he raise an issue when even as per the department his option is correctly reflected.

23. It may also be noticed that in the individual result sheet that is issued to the Appellant, his Category and Class is also shown as 'SC/NIL'. The same is as under:

**ANNEXURE - 3** EMPLOYEES SELECTION BOARD, BHOPAL

**ESB** EMPLOYEES SELECTION BOARD, BHOPAL

"Chayan Bhawan", Main Road No.1, Chinar Park (East), Bhopal - 462011  
0755-2578801-02 Toll Free No.: 18002337899  
Email : complaint[dot]esb[at]mp[dot]gov[dot]in

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25534053

**Group-2 (Sub Group -4) Sahayak Samparikshak and Patwari & other post Combined Recruitment Test - 2022 - Result**

Roll No.	25534053	Sr. No. J40532410  Jitendra Ahirwar 02-08-2022 Signature: Jitendra
Application No.	3010230520731	
Name of Candidate	JITENDRA AHIRWAR	
F/H Name	POORAN LAL AHIRWAR	
Date of Birth	13/04/1997	
Category/Class	SC/Nil	
Gender	Male	
Domicile	YES	
Samvida	Y	
Applied Preference	153 154 192 133 111 115 120 126 147 184 186 185 188 187 190 191 193 194 195 196 197 198 199 200 201 202 203 205 204 209 208 207 206 212 211 210 189 183 182 181 180 179 178 177 176 175 174 173 170 171 172 167 168 169 164 165 166 162 163	

**Result**



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24. However, in the 'MERIT/WAITING PERIOD', he is shown as having secured merit in the 'UR/SK Open' and Waitlisted in 'UR/NIL Open'. The same is as under:

**पद तालिका**

**MERIT / WAITING POSITION**

Department Code/Name	Post Name	Category/Class / Open or Female	Merit/Waiting Position
153 - PANCHAYAT EVAM GRAMIN VIKAS VIBHAG, BHOPAL	SAHAYAK VIKAS VISTAR ADHIKARI VARSH -2022-2023	UR/SK Open	Merit 2
153 - PANCHAYAT EVAM GRAMIN VIKAS VIBHAG, BHOPAL	SAHAYAK VIKAS VISTAR ADHIKARI VARSH -2022-2023	UR/NIL Open	Waiting 70

25. The result card issued to the Appellant shows that he has been considered in two Categories. He was considered in the *Unreserved Category (UR)* because of his high result. He has also been considered in two Classes *Samvida Karmi (SK)* and *General (NIL)*. If the respondents were to consider the Appellant in two classes, then first they had to consider him in his Category i.e. *Schedule Caste*. In the result declared it is mentioned that his option is 'SC/NIL'. Thus, respondents should have considered him in 'UR/NIL' and 'SC/NIL' and not in 'UR/SK' and 'UR/NIL'. Clearly, respondents have erred in rejecting the candidature of the Appellant. This aspect has also not been noticed and considered by the learned Single Judge. Thus, the impugned order is not sustainable.

26. Reference may be had to the judgment of the Supreme Court in *Vashishta Narayan Kumar (supra)*, wherein the Supreme Court has held as under:



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*“11. Admittedly, the appellant derived no advantage as even if either of the dates were taken, he was eligible; the error also had no bearing on the selection and the appellant himself being oblivious of the error produced the educational certificates which reflected his correct date of birth.*

*12. The facts are undisputed. The appellant’s application uploaded from the cyber café did mention the date of birth as 08.12.1997 while his date of birth as recorded in the educational certificate was 18.12.1997. It is also undisputed that it is the appellant who produced the educational certificates. He was oblivious of the error that had crept into his application form. It is also undisputed that the advertisement had all the clauses setting out that in case the information given by the candidates is wrong or misleading, the application form was to be rejected and necessary criminal action was also to be taken. It also had a clause that the candidates had to fill the correct date of birth, according to their 10th board certificate. The clause further stated that candidates will fill their name, father’s name, address etc. correctly in the application form. It states that any discrepancy, if found, while checking the documents, the candidature of the candidate will stand cancelled. There was also a clause providing for correction of wrong/erroneously filled application forms, which stated that the errors can be corrected once by re-depositing the application fee and filling a new application. It also provided that those filling the application on the last date could correct the application till the following day.*

*13. Equally undisputed is the fact that after filling out the application, the appellant cleared the written examination and the Physical Eligibility Test. It was also stated in the counter affidavit that there were 61 unfilled vacancies though it was submitted that it was meant for the Gorkha candidates.*

*14. We are not impressed with the argument of the State that the error was so grave as to constitute wrong or misleading information. We say on the peculiar facts and*



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*circumstances of this case. Even the State has not chosen to resort to any criminal action, clearly implying that even they did not consider this error as having fallen foul of the following clause in the advertisement:-*

*“Instructions to fill online application form are available on the website. It is recommended to all the candidates to carefully read the instructions before filling the online application form and kindly fill the appropriate response in the following tabs. In case, the information given by the candidates found wrong or misleading, the application form will get rejected and necessary criminal actions will also be taken against the candidate.”*

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*26. For the reasons stated above, we set aside the judgment of the Division Bench of the Patna High Court in LPA No. 1271 of 2019 dated 22.08.2022 and direct the respondent-State to treat the appellant as a candidate who has “passed”, in the selection process held under the advertisement No. 1 of 2017 issued by the Central Selection Board (Constable Recruitment), Patna with the date of birth as 18.12.1997. We further direct that if the appellant is otherwise not disqualified, the case of the appellant be considered and necessary appointment letter issued. We further direct that, in the event of there being no vacancy, appointment letter will still have to be issued on the special facts of this case. We make the said direction, in exercise of powers under Article 142 of the Constitution of India. We further direct that the State will be at liberty in that event to adjust the vacancy in the next recruitment that they may resort to in the coming years. We notice from the written submissions of the State that 21,391 vacancies have been notified in Advertisement No.1 of 2023 and it is stated that the procedure for selection is ongoing. We place the said statement on record. We direct compliance to be made of the aforesaid direction within a period of four weeks from today.”*



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27. Appellant did not derive any benefit from a misstatement in the application form. As noticed hereinabove, even the Respondents considered him in the General Class and not in the *Samvida Karmi* Class as is evident from the Admit Card, the combined result showing his option and the individual result declared. Appellant is a meritorious candidate having secured a very high score as compared to others in his Category i.e. Schedule Caste. Admittedly, there are still vacancies available in the said Category.

28. The Judgments relied upon by the Respondents of the Coordinate benches of this Court in *Rahul Jatav (supra)* and *Kartar Singh Dhakar (supra)* are not applicable in view of the factual matrix noticed herein above.

29. In view of the above, the Appeal is allowed in the following terms:

- (i) The impugned order dated 24.06.2025 is set aside.
- (ii) Respondents are directed to give appointment to the Appellant in the Category 'SC/NIL'.
- (iii) Appellant shall be entitled to seniority as per the marks obtained in accordance with the rules. However, Appellant shall not be entitled to any monetary benefits.
- (iv) Needful be done by the Respondents and the appointment order be issued within a period of four weeks.

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30. The appeal is disposed of in the above terms with no orders as to costs.

**(SANJEEV SACHDEVA)**  
**CHIEF JUSTICE**

**(VINAY SARAF)**  
**JUDGE**