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Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 1344/99

New Delhi this the 28th day of January, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC(J)  
Hon'ble Mr. R. K. Aahooja, Member (A)

Satinder Malik  
S/o Shri Randhir Singh Malik  
R/o A-7, Shankar Garden,  
New Delhi-110018.

...Applicant  
(By Advocate: Shri A.K. Behera)

Versus

Staff Selection Commission,  
through its Chairman,  
Block No. 12, C.G.O. Complex,  
Lodhi Road, New Delhi-110003.

..Respondent  
(By Advocate Shri S.M. Arif)

ORDER (Oral)

By Reddy, J.-

The applicant had applied in the competitive examination to be held by the Respondent Commission for the post of Inspectors of Central Excise and Income Tax to be held at Delhi in 1996. He was given the Admit Card with Roll No 1223001 at Delhi Centre. He appeared in the said examination but the same has been cancelled on account of leakage of the question papers of the examination. Subsequently an advertisement has been issued in 1999 to hold the examination on 7.3.99, which date is postponed to 13.6.99. When the applicant has not received the admission card, the applicant contacted the office, he was surprised to know that his candidature has been cancelled on the ground that he had applied for

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the said examination from two different Zones i.e. one from Delhi, Northern Zone and another from Bombay, Western Region.

2. The applicant filed the present OA, questioning the cancellation of the candidature. While issuing notice in the OA the respondent was directed to allow the applicant to appear for the exam, pending further orders in the OA. Accordingly, the applicant appeared in the examination but his result was kept in abeyance.

3. It is the plea of the applicant that he has applied only from Delhi and that he has not applied from the Bombay, Western Region and that the respondents have taken action only on suspicion which is illegal. Whereas the respondents submit that the applicant had submitted another two application to Bombay centre but he had appeared only from Delhi with Roll No. 1223001. After conducting of the examination it was noticed that the applicant had applied from the Western Region also. Hence as per rules the candidature of the applicant has been cancelled as it is not permissible for applying from two Regions.

4. The only question that is to be considered is whether the applicant has infact, applied from Western Region. The respondent relies upon the application alleged to have been submitted by the applicant to the Bombay Centre. In order to satisfy about the factual situation, we have

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called the documents to be produced in this case. Learned counsel for the respondents produced the original application said to have been made by the applicant from Bombay, and the admit card of the applicant at Delhi, with Roll No. 1223001. The application form said to have been applied to Bombay does not contain the photograph of the applicant, but it contains the photograph of one person by the same name of the applicant. A perusal of the same, it manifest that it is entirely different from the photograph of the applicant as contained in the admission card. The signatures found on the photograph and on the application form are also totally different. Merely on the ground that another person of the same name of the applicant and who has given the same address of the applicant, cannot be a ground to hold that the person who applied for Bombay is the applicant. It is not the case of the respondents in the counter that the photograph of the person who applied from Bombay is that of the applicant. No doubt, the other person also has given the same address, father's name is the same and he has studied in the same school. These features of the case appear to be intriguing. But when the applicant asserts that he has not applied from Bombay and both the persons are totally different, we are of the view that the applicant's candidature cannot be cancelled, the ground that another person of the same name of the applicant had applied from Bombay. It appears that another person must have given the name and address of the applicant only to see

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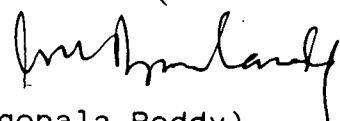
that the applicant would stand to loose in getting the employment. It is also stated that the person who applied from Bombay has not in fact written the examination.

5. In the circumstances, the impugned order is quashed. We direct the respondents to restore the candidature of the applicant and to publish the result of the applicant and take appropriate action in pursuance thereof.

  
(R.K. Ahooja)

Member (A)

cc.



(V. Rajagopala Reddy)  
Vice-Chairman (J)