

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1682/1996

New Delhi, this 12th day of August, 1996

(2)

Hon'ble Justice Shri A.P. Ravani, Chairman  
Hon'ble Shri R.K. Aahooja, Member(A)

1. Shri Mahendra Singh  
s/o Shri Mukhtiar Singh  
C-40, Shastri Nagar, Meerut (UP)
2. Shri Omveer Singh  
s/o Shri Sardar Singh  
Vill. & PO Chacharpore, Meerut (UP)
3. Shri Vivek Kumar Tomer  
s/o Shri R.S. Tomer  
Near Nel Kamal Talkies  
Nai Basti, Bijnore (UP) .. Applicants  
(By Shri M.K. Giri, Advocate)

vs.

Union of India, through

1. Secretary  
M/Home Affairs  
CGO Complex, New Delhi
2. Chairman  
Staff Selection Commission  
Lodi Road, New Delhi
3. Regional Director(ER)  
Staff Selection Commission  
Calcutta-700 001. .. Respondents

ORDER(oral)

Hon'ble Justice Shri A.P. Ravani

The applicants pray that the respondents be directed to declare the result of the examination held on December 3, 1995 pursuant to an advertisement inviting applications for recruitment to the post of Inspectors of Central Excise/ *General Tax etc*

2. The respondents have by letter dated July 10, 1996 informed the applicants that on scrutiny, it was found that they had submitted multiple applications for the same examination, *which were* in violation of para 14 of the Notice of the Examination/Instructions and that they had made false declaration in the application forms, Therefore, their

candidature for the examination has been cancelled. The applicants have challenged the legality and validity of the said order in this O.A. (3)

3. The contention that the applicants were eligible and there was no clause indicating ineligibility in the advertisement, cannot be accepted. The applicants were duty bound to make full and correct disclosure about the fact that they had applied in other zones also. Admittedly they have not made full disclosure about these facts. It is also not disputed that the applicants had applied for the same examination in other zones also. In view of this admitted factual position, the decision taken by the respondents that the applicants were guilty of submitting multiple applications and were also guilty of making false declaration in the application forms is just and proper.

4. The contention that the respondents <sup>are estopped</sup> ~~were restrained~~ from taking impugned decision against <sup>them</sup> ~~him~~ on the principle of <sup>PRINC</sup> ~~my~~ promissory estoppel has no merits. The applicants are guilty of suppression of material facts as they suppressed the fact of having submitted applications in other zones <sup>They are also guilty of suggestion</sup> ~~and having~~ and having made false representations by making declaration contained in the application. Thus, in such cases there is no question of invoking the principle of promissory estoppel. There is no declaration whatsoever made by the <sup>respondents</sup> ~~applicants~~ that candidates indulging in fraud and fraudulent practice also will be treated on par with other candidates. There could be no such declaration by any authority whosoever. It is also contended that several other persons who had submitted multiple applications have been permitted to appear in the interview and their result has been declared. It is difficult to believe such contention. Even if it is assumed that there

may be such instances, it will be a case of wrongs having been committed by the respondents in respect of others.

Article 14 of the Constitution cannot be invoked for claiming benefits of unlawful action of the respondents. Article 14 extends the equality before law. It does not extend the equality of unlawful action of the respondents. No other submission is made. There is no substance in this application. Hence rejected.

*R.K.Ahooja*  
(R.K.Ahooja)  
Member (A)

na.

*APR*  
(A.P.Ravani)  
Chairman