

Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.No.1880/94

New Delhi this the 30th Day of May, 1995.

Hon'ble Sh. B.K. Singh, Member(A)  
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Jasveer Singh,  
S/o Sh. Gurdev,  
R/o Vill. & P.O. Dhurkot,  
Distt. Faridkot(Punjab).  
at present :C/O Sadhu Singh,  
R/o Vill. Khazuri, near  
Panchayat Ghar, P.O.Gokulpuri,  
Delhi.

Applicant

(through Sh. R.S. Mann, advocate)

versus

1. The Commissioner of Police,  
Police Headquarters,  
I.P. Estate,  
New Delhi.

2. The Deputy Commissioner of Police,  
HQ (1), Delhi Police HQs.,  
New Delhi.

Respondents

(through Sh. S.K. Sinha, proxy counsel for  
Sh. Jog Singh, advocate assisted by Sh.S.N.  
Srivastava, DCP)

ORDER

delivered by Hon'ble Sh. B.K. Singh, Member(A)

This application No.1880/94 has been  
filed against the non-selection of the applicant as  
Constable in Delhi Police.

The admitted facts of the case are that  
the applicant who hails from Village Dhurkot, Distt.  
Faridkot (Punjab) appeared for a selection held by  
the respondents in the month of January, 1994 for  
selection of 100 candidates for the post of  
Constables (Executive) in Delhi Police. The  
recruitment team selected 55 candidates  
provisionally subject to the fulfillment of other  
terms and conditions. The applicant Sh. Jasveer



Singh Roll No.1038 also appeared in the said recruitment. In the original application it is stated that he appeared at all the tests including the medical test and that he was declared successful in the medical examination but did not appear at the interview. Therefore, he was not considered for appointment as Constable in Delhi Police.

The reliefs prayed for are that the respondents be directed to appoint the applicant as Constable in Delhi Police with all consequential benefits and seniority at par with other candidates selected by the respondents.

A notice was issued to the respondents who filed the reply contesting the application and grant of reliefs prayed for. In their counter affidavit the respondents have stated that he appeared in the written test and was put through physical measurement/physical endurance test and written test but he failed to report in the interview. He, however, probably managed to get medical examination form from other candidates and got himself medically examined. Since the recruitment to the post involves three stages of physical test and written test followed by interview and medical examination and since the applicant did not appear at the interview as such he violated one of the mandatory provisions for selection to the post of Constable in Delhi Police and, therefore, he was not issued an appointment letter in that respect.



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We have heard the learned counsel Sh. R.S. Mann for the applicant and Sh. S.K. Sinha proxy counsel assisted by Sh. S.N. Srivastava, DCP, North Delhi-2. The DCP was the competent authority who made recruitment in Punjab and it was during the interview conducted by him that the candidate did not appear and subsequently managed to get a blank medical form from some candidates. There were certain records which were summoned from the respondents which were perused by us and these records were pertaining to the interview and the record pertaining to the physical and endurance test and the record pertaining to the medical examination of the candidates. We meticulously perused the record of the interview and found that like the applicant there were many others who did not appear at the interview and they were all marked absent. Those who appeared before the interview have been assigned marks against their names and on the basis of the written test and the interview, a provisional list of 55 candidates was declared and the DCP further stated that these names were pasted prominently on two notice board and the candidates were also called to collect the blank medical forms and these people turned up and collected these blank medical forms. Part-1 of the form was required to be filled up by the candidate himself and the other part-2 form which lays down the parameters for medical examination, were to be filled up by the Medical Board examining the candidates. On a scrutiny we find that the applicant had filled up

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the part-1 of the form and the rest was filled up by the doctors. It was categorically stated by the DCP that no person from the Delhi Police was permitted to go inside the room where medical examination of the candidates was being conducted and he also emphatically denied that while issuing the forms the signatures of the provisionally selected candidates were taken. This is not the procedure also. The names of the candidates were announced on a microphone and they were asked to collect the blank forms and when they appeared the forms were given. It was further stated by the DCP that more than 10 candidates who had collected the blank forms for medical examination did not appear at the medical examination and the irresistible presumption is that this candidate without appearing in the interview obtained one of the blank forms, filled up the details about himself and the Medical Board without looking into the list of provisionally selected candidates medically examined him. He also further stated that a list of these provisionally selected candidates had not been sent to the Medical Board by the Delhi Police. It is on the basis of the blank forms that the candidates appeared and they got themselves medically examined.

After going through the record and also hearing the arguments of the learned counsel for the parties, one thing is clear that the applicant is one of those against whom the word AB has been written indicating that he was absent. There were others similarly situated like him who had qualified

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in the endurance test and written test but who did not appear in the interview and they had also been similarly marked absent.

It is also clear that out of the provisionally selected candidates many of them did not appear at the medical examination and these medical forms were not returned to the authorities concerned and this is an indication that any one of them who had not appeared and who had successfully qualified must have passed one of the blank form to the applicant.

It is also evident that the applicant did not appear in the interview and for any recruitment and for issue of any appointment letter it is absolutely necessary that a candidate passes the written test, qualifies in the interview and clears the medical examination only then he has a right to be issued an offer of appointment letter. It has been clearly laid down by the Hon'ble Supreme Court in JT 1993(1) SC 360 Prafulla Kumar Swain Vs. Prakash Chandra Misra & Ors that the term "recruitment" connotes and clearly signifies enlistment, acceptance, selection or approval for appointment. Certainly, this is not actual appointment or posting in service. In contradistinction the word "appointment" means an actual act of posting a person to a particular office. Recruitment is just an initial process. That may lead to eventual appointment in the service. But, that cannot tantamount to an



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appointment." In the present case even in the initial recruitment the candidate skipped the interview and as such he did not complete the process of recruitment also and, therefore, there is no question of his appointment.

In AIR 1990 SC 1233 N.T. Bevin Katti Etc. Vs. Karnataka Public Service Commission and others, it has been held by the Hon'ble Supreme Court that where an advertisement is issued inviting applications for direct recruitment to a category of posts a candidate has a right to be considered in accordance with the terms and conditions set out in the advertisement. His right crystallises on the date of publication of advertisement but he has no absolute right even in that matter. The right accrues only when a man is duly selected after the necessary tests, interview, medical examination etc. and offer is made to him <sup>and</sup> when he accepts that offer and joins in pursuance thereof. Only when a man joins after clearing all the tests involving the recruitment can offer of appointment be made and it is only when a candidate actually joins that the right accrues to him. The applicant did not appear at the interview as is proved by the record and the record speaks volumes of those candidates who even after qualifying written test did not appear in the interview and also speaks about those who qualified in both but did not appear at the medical examination. Only those who appeared in the written test and interview and successfully qualified in that and were subsequently declared fit medically

were entitled to offer of appointment as Constables and the offer of appointments were made only to such candidates and as such we do not find any reason to disagree with the procedure followed in the recruitment or with the stand taken by the respondents. Since the applicant skipped the interview, he will not be deemed to have qualified in the examination which involves written test, interview and medical examination and as such he is not entitled to claim any appointment to the post of a Constable in Delhi Police. Accordingly, the application fails and is dismissed in limni at the admission stage, leaving the parties to bear their own costs.

A Vedavalli  
30/5/95  
(Dr. A. Vedavalli)

Member (J)

B K Singh  
(B. K. Singh)

Member (A)

/v/v/