

Reserved on 08.02.2021

Pronounced on 12.02.2021

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member-J
Hon'ble Mr. Tarun Shridhar, Member-A

Original Application No. 330/000190/2014
(U/S 19, Administrative Tribunal Act, 1985)

Rajendra Singh son of Kanchan Singh, resident of 1K/34C,
Kalindipuram, Rajrooppur, District-Allahabad.

.....Applicant.

By Advocate – Shri Gaurav Tiwari.

VERSUS

1. Union of India, through its Secretary, Ministry of Railway, New Delhi.
2. Railway Recruitment Board, Allahabad, Opposite N.E.R. Headquarter, near Subedarganj, Railway Hospital, Subedarganj, Allahabad through its Chairman.

.....Respondents.

By Advocates : Shri Anil Kumar.

ORDER

Delivered By Hon'ble Mr. Tarun Shridhar, A.M. :-

Shri Gaurav Tiwari, learned counsel for the applicant
and Shri Anil Kumar, learned counsel for the respondents,
both are present in Court.

2. The applicant by virtue of this OA seeks quashing of the order passed by the Chairman, Railway Recruitment Board i.e. the Respondent No.2 whereby the candidature of the applicant for the Post of Assistant Loco Pilot has been cancelled, despite his selection through a competitive exam. For the sake of clarity, the relevant portion in the OA seeking relief is reproduced below:-

"In view of the facts mentioned in the petition the applicant prays for the following reliefs:-

- (i) Issue writ/order/direction to the nature of certiorari quashing the order impugned dated 31.01.2014 passed by the Chairman, Railway Recruitment Board at Allahabad thereby cancelling the candidature of the applicant pursuant to the appointment on the post of Assistant Loco Pilot.*
- (ii) Issue an order or direction in the nature of mandamus commanding the respondents to include the applicant in the final list and send the applicant for the medical examination and other pre-requisite for the appointment of the Assistant Loco Pilot.*
- (iii) Issue suitable order or direction as the Hon'ble Tribunal deem fit and proper, in facts and circumstances of the case."*

3. The brief facts of the case are that the applicant submitted an application to the Railway Recruitment Board, Allahabad for the post of Assistant Loco Pilot in response to a notification. His application was accepted and he successfully cleared the written examination for this position and was subsequently invited to appear in Psycho Aptitude Test. He was successful in this test also and was called for verification

of documents. However, subsequent to this verification when the final list of candidates, who were selected to the post of Assistant Loco Pilot, was issued the name of the applicant was missing. He sought information for this omission and he was informed that his application has been rejected because it was incomplete; to be more specific his candidature was rejected because in the application form he had omitted to fill two columns which are (i) Date and (ii) Place next to his signature.

4. Learned counsel for the applicant would argue that the authorities themselves have admitted that the applicant obtained 60.567 marks against the cut off 56.137 and hence is way of above in merit. Moreover, it is the Railways who had to scrutinize the applications and rejecting it at such a belated stage is patently unfair. The applicant has not suppressed any facts or material information which could be termed as deception; his candidature has been rejected on a very minor technical ground. The applicant agitated this matter earlier in OA No. 1655 of 2013 wherein a direction was issued to the Railway Authorities to consider and decide the representation of the applicant by way of a reasoned order. The authorities have rejected the application by way of an

order which is cryptic and does not qualify to be a speaking and reasoned order as was directed.

5. Learned counsel for the respondents, on the other hand, vehemently contests the arguments by pointing out that the notification was abundantly clear that incomplete applications will not be accepted. He further points out that several applications got rejected in the initial stage itself on account of some inadequacy or other and if at this stage the plea of the applicant is considered it would give him undue benefit vis-a-vis those candidates whose applications have been rejected being incomplete and this could raise a question mark on the entire selection process. The applicant is squarely himself responsible from this lapse and he is a victim of his own negligence and not on account of any act of the respondents.

6. Learned counsel for the applicant also draws attention to the orders passed by Cuttack Bench of this Tribunal wherein the Tribunal held that minor technical errors in an application form should not act as an obstacle for a selection nor should they will be taken as a justification to deny an appointment especially if the candidate has successfully cleared the examination on merit. He also drew our attention

to OA No. 594 of 2016, OA No.645 of 2016 and OA No.843 of 2016 and the order of the Hon'ble High Court of Rajasthan in the case of ***Sanjeev Kumar Saini vs Union of India & Another*** in Civil Writ Petition No. 11263 of 2014, Hon'ble High Court of Allahabad dated 29.10.2013 in Writ Petition No. 3283 of 2012 and Supreme Court dated 22.09.2008 in Civil Appeal No. 5766/2008 wherein the Courts have similarly held that minor discrepancies or technical faults should not stand in the way of giving appointment to the successful candidate.

7. Having heard both the learned counsels and after careful examination of the documents on record, we are of the view that the judgments and orders quoted by the learned counsel for the applicant, though different in circumstances, are relevant in the present case. It is not in contention that the applicant did not fill the application forms in totality and left two columns blank and hence his application is deemed to be incomplete. But the respondents could have taken lenient view as the omission was not so serious or significant as to question the applicant's eligibility. However, at this stage if this omission is ignored it would, in the interest of justice, require a review of all applications which have been rejected on such technical grounds and provide opportunities to all such applicants who are found to

be similarly placed as the applicant of this OA. This would be a huge task and may jeopardise of entire selection which was made in the year 2013.

8. Therefore, in our considered view the relief sought by the applicant for giving him appointment after a gap of nearly 8 years from the date of selection, is admissible at this stage only on the condition that justice to him should not entail injustice to other similarly placed persons, as otherwise it could have wide consequences on the entire selection. Since the applicant's candidature has been rejected on a hyper-technical ground, it would be in the interest of justice that the issue be reviewed and if there is no other candidate whose application has been rejected on this or identical ground, then the applicant should be given appointment to the post he had earned by virtue of merit, if there is no other impediment. The OA is disposed off accordingly.

9. No order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/Shakuntala/