

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.274/2019

Reserved on :30.03.2021
Pronounced on:06.04.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Manish Sharma S/o ShriLaltesh Sharma, aged about 23 years, R/o B-2/5 PH-1 Budh Vihar, Delhi-110086 seeking appointment to Group 'D' post, Mob.No.8368739384. Applicant has applied for the post of Group 'D' RRB, Ajmer.

...Applicant.

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India through its Secretary, Railway Board, 256-A, Raisina Road, Rajpath Area, Central Secretariat, New Delhi-110001.
2. Railway Recruitment Board, Ajmer through its Secretary, 2010, Nehru Marg, Near Ambedkar Circle, Ajmer-305028 (Raj.).
3. Rail Recruitment Cell through its Secretary, Opp. DRM Office, Power House Road, Jaipur-302006 (Raj.).

...Respondents.

(By Advocate: Shri P.K.Sharma)

ORDER

Per: Dinesh Sharma, Member (A):

The issue involved in this OA is fairly straightforward. It is whether the candidature of the applicant, for recruitment to Group 'D' post, following Centralized Employment Notification No.2/2018 dated 10.02.2018, can be rejected

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just because of his not fulfilling the condition 1.8 of this Notification. This condition is regarding signing the application in running handwriting and not in form of block/capital or disjointed letters. The applicant was declared passed in the Computer Based Test and also in the Physical Efficiency Test. It was at the time of the document verification that the respondents have objected to his candidature since his signatures were in capital letters. The applicant has claimed that he has always been signing in the form of disjointed letters and that is what his signature is, as evidenced by his signature on the driving licence and his application forms for selection for other jobs. The applicant has prayed for striking down this condition as invalid and for directing the respondents to allow him to participate in the medical examination, and if found fit, to be given employment in pursuance of the Notification dated 10.02.2018 (Annexure A/1).

2. The respondents have denied the claim of the applicant. It is stated in their reply that due to the violation of a clear condition laid down in the Notification, the applicant's candidature had to be rejected. The reply quotes from the decision of the Hon'ble Supreme Court in the case of **Shri Benganda Talukdar vs. Saifudullah Khan and others** [SCC 2011 (12) 85] to support their contention that

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the selection process has to be conducted strictly in accordance with stipulated selection procedure which needs to be scrupulously maintained. There can be no relaxation of conditions unless such power is specifically given.

3. The matter was heard, through video conferencing, on 30.03.2021. The learned counsel for the applicant cited and produced copies of the decisions of the Hon'ble High Court of Delhi in **Delhi Subordinate Services Selection Board and Another vs Neeraj Kumar and Another**, dated 24.02.2012; CAT, Principal Bench in **Sh.Vinod Narmal vs Ministry of Railways and Another** dated 16.03.2015; and that of the Hon'ble High Court of Delhi in **Arif vs Union of India and Another**. All these decisions are directly on the issue of rejection of candidature on account of signing in capital letters. The learned counsel for the respondents repeated the stand taken by them in their reply to the OA.

4. After going through the pleadings and hearing the arguments, we have no doubt in our mind that the matter is squarely covered by the decisions cited above. The Hon'ble High Court of the Delhi and the Principal Bench of this Tribunal have found the rejection of candidature in exactly similar circumstances to be wrong. The decision of the Hon'ble High Court in Delhi Subordinate Services Selection

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Board and Another vs Neeraj Kumar and Another's case (supra), while discussing the whole issue, has distinguished this matter from the issue decided in Benganda Talukdar vs. Saifuddullah Khan (supra) case cited by the respondents. The Hon'ble High Court came to the conclusion that a similar condition insisted upon by the Delhi Subordinate Services Selection Board was mere directory and not mandatory. The other documents produced by the applicant along with his MA No.115/2020 support his contention that this is the normal way he signs. The decision of the Hon'ble High Court in Arif vs. Union of India and Another (supra) is also almost exactly on similar issues and facts.

5. For all these reasons, the OA is allowed. The Respondent No.3 (the only remaining respondent after Respondent Nos.1 and 2 are dropped from the list of respondents on allowing MA No.633/2019 and MA No.671/2019) is directed to take further necessary action on the application of the applicant for selection to Group 'D' posts following CEN 2/2018, without rejecting it on ground of signature not being in a running handwriting. No costs.

(Hina P. Shah)
Member (J)

/kdr/

(Dinesh Sharma)
Member (A)