

Reserved

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD.

....

Original Application No. 1428 of 1999.

this the 22<sup>nd</sup> day of May '2001.

HON'BLE MR. S. DAYAL, MEMBER (A)  
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Bal Ram Singh, S/o Sri Sheo Sampat Singh, R/o 9 Old  
Sobhatiabagh, Allahabad.

Applicant.

By Advocate : Sri Ganga Prasad.

Versus.

Govt. of India through Secretary, Staff Selection  
Commission, New Delhi.

2. Regional Director (C.R.), Staff Selection Commission,  
8 A & B Beli Road, Allahabad.
3. Assistant Director (N), Staff Selection Commission,  
8-A-B Beli Road, Allahabad.

Respondents.

By Advocate : Sri P. Mathur.

O R D E R

RAFIQ UDDIN, MEMBER (J)

Under challenge<sup>its</sup> the memorandum dated 19.12.96  
(Annexure-1 to the O.A.) issued by the Regional Director  
(C.R.), Staff Selection Commission (Commission in short)  
Allahabad (respondent no.2). By the said memorandum,  
the respondent no. 2 has cancelled the candidature of  
the applicant namely Bal Ram Singh for the post of

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Divisional Accountant/Auditor/U.D.C. etc.

2. The brief facts of the case are that the applicant had applied for the post of Divisional Accountant/Auditor/U.D.C. etc. in pursuance of the advertisement published in the "Employment News" in the month of November '94 for holding an examination for recruitment of Divisional Accountant/Auditor/U.D.C. etc. ( Examination in short ). Since the application submitted by the applicant was found in order, he was allotted the Roll No. 2422517. The applicant qualified in the written test of the examination. It appears, however, that during the course of scrutiny of the dossier of the applicant, the respondents found that the signature of the applicant on the admission certificate submitted by him did not tally with the signature on the original application. Consequently, the applicant was served with a show-cause notice dated 22.5.1996 in which the applicant was required to furnish the explanation and necessary documents in support of his claim. It was also stated that the candidature of the applicant will be cancelled and criminal proceedings may be initiated against him for procuring the Govt. job impersonation. Since the respondents were not satisfied with the explanation and other documents submitted by the applicant in support of his claim, the candidature of the applicant was cancelled by the impugned order dated 19.12.1996 .

3. It is also pertinent to mention here that a Writ petition bearing no. 17107 of 1998 was filed by the applicant before the Hon'ble High Court, which was dismissed vide order dated 5.4.1999 being not

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maintainable before the High Court. Hence, the applicant has filed the present O.A. before this Tribunal. It is alleged by the applicant that the impugned order has been passed on the basis of mere conjectures and suspicion. It is also claimed that the Commission has not complied with the procedure prescribed under law and the same is arbitrary and illegal.

4. We have heard the learned counsel for the parties at length and perused the pleadings on record.

5. It is not in dispute in the present case that before passing of the impugned cancellation order, the applicant was given a show-cause notice and the order under challenge was passed after considering the reply of the applicant. Under these circumstances, it is relevant to consider the scope of judicial interference in the administrative decision taken by the respondents by cancelling the candidature of the applicant. The Apex Court on the question of judicial interference in the administrative decision has observed in the case of Tata Cellular Vs. Union of India & Others (AIR 1996 SC 11) that the "Court does not sit in appeal over such decision but merely reviews the manner in which made, the Court must exercise utmost restraint while exercising the power of review, else it would be guilty of usurping power. Therefore, if the authority takes a decision on the basis of some materials which a reasonable person could have taken in that case judicial review is not permissible. On the other hand, if the decision is based on no legitimate reasons and is actuated by bad faith then judicial interference would be the proper remedy to undo the wrong."

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6. We have, therefore, examined the present case in the light of the principle laid down by the apex court. The relevant part of the impugned cancellation order is extracted as below :

"Sri Bal Ram Singh Roll No. 2422517 a candidate of the above mentioned examination was required to show-cause vide this office memorandum no. 113/SSC-CR/94 dated 22.5.1996 as to why his candidature may not be cancelled and criminal proceedings initiated against him for procuring impersonation to secure a Government job by fraudulent means.

He attended and put his signature/furnished photograph on Attendance Sheet/Admission certificate which was essentially required to the notice for Rules of the said Examination.

However, on the basis of signature/photograph furnished by Sri Bal Ram Singh Roll no. 2422517 the Commission is of the opinion that the candidate has procured impersonation to secure a Govt. job by fraudulent means. As such in the absence of proper supporting evidence and due to have procured impersonation, he does not fulfil the eligibility criteria for the post for which he has applied for and accordingly his candidature has been cancelled by the Commission."

7. It has been contended by the learned counsel for the respondents that the applicant had applied for a duplicate admission certificate on the ground that he had not received the original admission certificate issued by the Commission. The attested photograph submitted by the applicant was pasted on the duplicate admission certificate, which was duly signed by the authorities and duly handed over to the applicant for appearing in the examination. It is claimed by the respondents that after examination was over, the applicant managed to re-place the photograph as the signature of the officer of the Commission on the tampered photograph was in-complete and the full rubber stamp of the sub-centre was also not correctly stamped. Besides the re-stamped photograph was also tampered with fake rubber stamp of the Commission.

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The learned counsel for the respondents has also pointed-out that in the notice of the examination, it was specifically mentioned that the candidates who did not fulfil any condition of the eligibility criteria prescribed in the notice, will not be nominated even otherwise his name figures in the list published by the Commission. It is stated that as per rules a candidate is nominated to the user department only he is found to be cleared from all angles of scrutiny and till that time their enlistment in the list is provisional one. Since during the course of the scrutiny of the dossiers of the candidates, it was noticed that the photograph of the applicant on the admission certificate was tampered and another photograph was re-pasted which does not bear the seal of the Commission. The signature of the applicant made on the attendance sheet at the time of examination also did not tally with the signature made in the original application form. It was, therefore, suspected that the applicant had procured impersonation in the examination and accordingly a show-cause notice was issued to him. It is also mentioned that show-cause notices were also issued to other candidates of the examination and the case of the each candidate was examined and only those cases were cleared from the scrutiny, whose cases were found satisfactory in terms of the notice issued to such candidates.


8. We have carefully examined the original application form on which the duplicate photograph and signature are available, which has been placed before us for perusal. We find that the photograph pasted on the admit card and the application form are of the different persons. Similarly the signatures are also different. We are, therefore, satisfied that the conclusion found by the respondents are based on the materials on record. We do not find any force


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in the contention of the learned counsel for the applicant that no proper and fair opportunity to defend himself was given by the respondents before passing the impugned cancellation order. There is no material on record to show that the respondents acted in biased and malafide manner in cancelling the candidature of the applicant. Therefore, there are no justification to interfere with the action taken by the respondents.

9. The learned counsel for the applicant has referred to judgments namely in the case of Nand Kishore Prasad Vs. State of Bihar (AIR 1978 SC 1277) and Union of India Vs. H.C. Goel (AIR 1964 SC 364). We find that these cases are not relevant for the decision of the case in hand because these cases relate to the disciplinary proceedings. Besides, as stated above, the impugned order has not been passed without any evidence or mere on suspicion.

10. In view of what has been stated above, we do not find any merit in the O.A. and the same is liable to be dismissed and is dismissed with cost of Rs. 1000/- to be paid by the applicant to the respondents.

  
MEMBER (J)  
GIRISH/-

  
MEMBER (A)