

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00174/2014

Jodhpur, this the 4th day of April, 2016

CORAM

Hon'ble Dr. K.B.Suresh, Judicial Member

Hon'ble Ms. Praveen Mahajan, Administrative Member

Gajendra Huda s/o Shri Dharam Ram Huda, aged about 23 years,
r/o Mahadev Floor Mills, Saran Nagar, Ajmer Road, District
Jodhpur, Rajasthan

.....Applicant

By Advocate: Shri R.S.Shekhwat

Versus

1. Union of India, through the General Manager, Headquarter, North Western Railway, Jawahar Circle, Jaipur, Rajasthan.
2. Deputy Chief Personnel Officer (Rectt.), Railway Recruitment Cell, Northern Western Railway, Jaipur, Rajasthan.

.....Respondents

By Advocate : Vinay Jain

ORDER

Heard.

2. The respondents would say that in Clause 8.2 of the detailed notification, the declaration part must be copied out by the applicant in his own handwriting. Applicant would say that at that

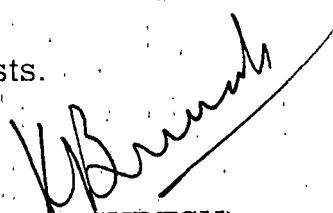
his brother to fill it out. Apparently, the applicant had informed this to the respondents also and they after consideration have allowed him to write the examination which he passed and thereafter he had passed the medical test and all other requirements were satisfied and only at the time of verification of the documents, this issue came up.

3. At this point of time, the learned counsel for the respondent would say that there is no evidence to prove that he had informed the department. Assuming that it is so and assuming that there is such a clause in the notification, the issue then would be **what is the effect of stipulation ? Normally, the issue is that the declaration must be copied out by one's own hand is only to ensure its genuineness and accountability.** Even if it is copied out by in his own brother's handwriting, as he was medically unfit at that point of time, and could not write, it will not in any way detract from the right of the applicant to have a life and the livelihood. Therefore, the impugned orders are quashed as the approach seems to be unwarranted and unreasonable and the applicant is directed to be considered fit for an employment, even if all the vacancies have been exhausted, the procedure as adopted by in the case of Prabhu Dayal Khandelwal of the Hon'ble Apex Court will be adopted and if necessary a notional post would be created and the applicant will be considered on that as it is the

unreasonable stand of the respondents, which resulted in the diminishment of right to life and livelihood of the applicant.

The OA stands allowed accordingly. No costs.


(PRAVEEN MAHAJAN)
Administrative Member


(DR. K.B. SURESH)
Judicial Member

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