

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.208/2006
This the 6th day of March 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.
HON'BLE MR. SHAILENDRA PANDEY, MEMBER (A)

Pradeep Verma, aged about 28 years son of Late Ram Pratap Singh, resident of Village Asharfpur, Post Office Gurera, District Sitapur.

...Applicant.

By Advocate: Shri Raj Singh.

Versus.

1. Union of India, through Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. Railway Recruitment Board, North Eastern Railway, Gorakhpur through its Chairman.
3. Assistant Secretary, Railway Recruitment Board, North Eastern Railway, Gorakhpur.

... Respondents.

By Advocate: Shri N.K. Agrawal.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard Shri Raj Singh, the learned counsel for applicant and Shri N.K. Agrawal, the learned counsel for the respondents.

2. The applicant has filed this OA to quash the impugned order as communicated by letter dated 17.01.2006 and direct the Respondent

No.2 to issue appointment letter to the applicant on the post of Technician Grade -II, C&W.

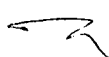
3. The respondents have filed their Counter Affidavit stating that the candidature of the applicant was cancelled on the ground that he filled up the Application Form against the instructions given there in, which (it is mentioned) ~~that it~~ disentitled him for qualification for appointment and also on the ground that this Tribunal has no jurisdiction.

4. The applicant has filed Rejoinder Affidavit reiterating his pleas as made in the OA and also denied the stand taken by the respondents.

5. Heard both sides.


6. The point for consideration is whether the applicant is entitled for the relief as prayed for.

7. The admitted facts of the case are that the applicant applied for appointment on the post of Technician Grade-II, C&W in the year 2004 in pursuance of Advertisement covered under (Annexure-2) dated 19.06.2004. After issuances of Admit Card, he appeared for the first Competitive Examination held on 05.12.2004, in which he ~~was~~ declared successful and thereafter on issuance of Admit Card, he appeared for the Second Competitive Examination held on 20.03.2005, in which he ~~was~~ succeeded. Annexure-3 and 4 are the result of the First and Second Examination. Thereafter, there was no procedure of any further interview after succeeding the said examinations. The applicant also called for verification of his documents on 12.5.2005 before the Selection Board and accordingly,



he appeared and submitted his documents and thereafter, there was no communication for his selection. After a period of six months, he came to know that other candidates have been appointed. Upon which, he approached Respondent No.2 and made a representation dated 12.12.2005 on which, the respondents issued a letter (Annexure-1) dated 17.01.2006, in which they stated that his candidature has been cancelled on the ground that he has not complied with the terms and conditions of Advertisement covered under Annexure-2. Aggrieved by the same, he challenged the orders of the respondents stating that the same is illegal, malafide and without application of their mind. He has also taken an objection that no opportunity was given to him before taking decision by the Selection Board. The applicant contended that putting of his signature in the application form is his personal right and one cannot compel, in such a fashion as mentioned in the application form and in the advertisement.

8. It is the contention of the respondents that the applicant put his signatures in Block letters in Column No.7, in the application and putting of such signatures in Block letter shall disqualify the candidature, which itself ^(in block) ~~mentioned therein~~ in the application form. Thus, the applicant was disqualified on this ground itself. In support of such disqualification, the respondents have relied on the application form and also on the Advertisement covered under Annexure-CA-1 Employment Notice issued by Railway Recruitment Board, Gorakhpur and (Annexure-CA-2). The respondents also filed the copy of application submitted by the applicant stating that he contravened the



Column No.7 of the application in which he wrote his name in Block letters in English, which is against the instructions given in the Notification and also in the Application Form.

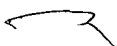
9. The recital of the Application Form covered under Annexure-A-2 and also the Employment Notice issued to by the respondents covered under Annexure-CA-1, it was instructed to the candidates to put their signatures in English and also informed disqualification of their candidature, if they write their names in Black letter. On perusal of the copy of ^{the} application submitted by the applicant covered under Annexure-CA-2, it clearly shows that the applicant did not put his signatures in English but filled up this Column in English block letters, which is against the instructions given in the application and Notification itself. It is also mentioned in the application form that if, they failed to put their signatures as mentioned in the application form; the candidates who signed in Block Letters in English will be disqualified. When the respondent authorities have such a right and when the candidate violates or contravenes the instructions given in the application form as mentioned in the Notification, it is not open to the applicant, who did not follow the instructions more particularly in writing or putting his signatures in the application form, which is the most required formality for conducting examination and also verification of the candidature with signature. Thus, the applicant, who did not follow the instructions and also contravened in writing his name instead of putting his signatures, and such a ground is open to the respondents for rejection of his candidature.

←

10. Mere permitting him for appearing in the examination is not at all a ground to question the right of the respondent authorities for rejection of the candidature, at the stage of verifying the documents, which including verification of signatures and genuineness of documents and other particulars furnished in the application form etc.

11. It is the argument of the learned counsel for the applicant that putting of his signature is his personal right and respondents are not justified in compelling in such a fashion to sign is not at all a valid ground for rejection. The learned counsel for the applicant also relied on the following decision stating that the respondents are stopped to take such objections, once ^{they} permitted him to appear for examination after verification of the application form. **(1994) 27 Administrative Tribunals Cases 368 Prem Dass Adiwai Vs. Union of India & Others.**

12. When the instructions itself shows that the applicant has to put his signatures in running, that too on three times, and also cautioned that it is disqualification for writing the name in block letter and inspite of such caution, the applicant put his name in block letters. The purpose of such cautioning was with an intention to verify the signatures at the time of examination and also subsequently for verification of the applicant. But the applicant, without putting his signatures as per the instructions, ~~he~~ is not justified to canvas that his personal right has been infringed. The applicant is justified for advancing such arguments, if the instructions are silent but here in the instructions and also in the application form there is a clear caution given to the applicants, how to fill up the particular Column



in respect of their signatures. Inspite of such caution and also warning of disqualification, it is not open to the applicant to justify his act in writing his name in block letters, which is against the instructions. When such a reason is one of the ground for rejection of the candidature, which was brought to the notice of candidates from the beginning, the applicant finding fault for rejecting the candidature of the applicant at the time of verification of document is not at a fault on the part of the respondents.

13. In respect of the other arguments of the applicant, permitting him to appear for appearance of examination or issuance of admit card, does not take away the right of respondent authorities, for verification of the contents of the application form and documents referred therein and such a right and authority is open to the authorities even after selection and appointment of the candidates.

14. In view of such circumstances of the case, the applicability of *the* principle *of* estoppel does not arise and as such the above relied judgment is not helpful to the applicant. Thus, there are no justified grounds to allow the claim of the applicant in questioning the act of the respondents and as such OA is liable for dismissal.

In the result, OA is dismissed. No costs.


(SHAILENDRA PANDEY)
MEMBER (A)


(M. KANTHIAH)
MEMBER (J)

06.03.2008