

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 2/ .08.2000

OA No.241/97

Lakhan Lal Meena S/o Shri Shyam Lal Meena, R/o E-6, Mahesh Nagar, Tonk Fatak, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Human Resource Development, Govt. of India, New Delhi.
2. Staff Selection Commission through its Regional Director (Western Region), Army and Navy Building, 2nd Floor, 148 Mahatma Gandhi Road, Mumbai.
3. Secretary to the Government of India, Department of Revenue, Ministry of Finance, Central Secretariat, New Delhi.

.. Respondents

None present for the applicant

Mr.S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

In this Original Application applicant makes the following prayers:

- "i) to declare Clause-III of para 20 of Ann.1 as void ab initio;
- ii) to quash Ann.2 with all legal consequences to follow;
- iii) to direct the respondents to consider the candidature of applicant and to give him appointment

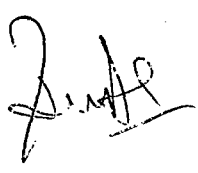


: 2 :

on the basis of his merit with effect from the date of other candidates have been appointed on the basis of the aforesaid selection;

- iv) to direct the respondents to allow the petitioner all consequential benefits immediately."

2. The facts of the case in brief, as stated by the applicant, are that the applicant submitted application in pursuance of the notice at Ann.A1 and he was given Roll No. 5514397 and applicant appeared in the examination on 28.4.1996. However, respondents vide order dated 14.12.1996 rejected the candidature of the applicant on the ground that the applicant submitted two applications one from Western Region and another for Northern Region. It is stated that applicant first sent the application in pursuance of the aforesaid notice to the respondent No.2 only and till that time no other application sent by him. However, immediately thereafter he sent another application to Northern Region under the bonafide belief that in case his first application does not reach in time or rejected for any mistake or formal defect, he may not loose the chance to take examination. It is stated that the impugned order rejecting the candidature of the applicant is patently illegal and without jurisdiction and applicant did not furnish any false information so as to give right to the respondents to reject the candidature of the applicant. Therefore, cancellation of candidature of the applicant was arbitrary, unreasonable and unfair and in violation of Articles 14, 16 and 21 of the Constitution of India and Clause -III of para 20 and the eligibility condition is also discriminatory, arbitrary, unfair and unreasonable. Therefore, applicant files this Original Application for the reliefs as mentioned above.

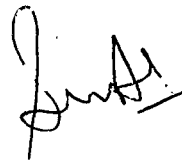


: 3 :

3. Reply was filed. In the reply, it has been stated that applicant filed two applications but he has given false declaration to this effect. It is also stated that Note-III of Para 20 made it very clear that candidate should submit one application only. Multiple applications will be rejected summarily. It is also stated that in the Appendix-1 of the application form, instructions were there that application will be summarily rejected at any stage of the recruitment process for wrong information/misrepresentation of facts for submitting more than one application etc. Therefore, because of contravention of the provisions of notice of recruitment to the post of Inspector of Central Excise/Income Tax, there was a full justification of rejecting the candidature of the applicant who had submitted more than one application and applicant has no case for interference by this Tribunal and, therefore, this OA is devoid of any merit and is liable to be dismissed.

3. Heard the learned counsel for the respondents and also perused the averments made by the applicant and respondents in the pleadings as submitted by the parties.

4. The learned counsel for the respondents vehemently argued that the Principal Bench, New Delhi vide its order dated 12.8.1996 passed in OA No.1682/1996 decided this controversy and held that if it is found that applicant has submitted multiple applications for the same examination, the candidature of the applicant is liable to be rejected and the Principal Bench of the Tribunal did not allow the application of the applicant so filed.



5. In the instant case, it is an admitted fact that applicant has filed two applications for the post of Excise/Income Tax Inspector Examination, 1996. It is also evident from the application form itself that a candidate was required to submit one application only and it was made clear that multiple applications will be rejected summarily. In the instructions contained in the Appendix-1 annexed with the application form, it was also made very clear that an application will be summarily rejected at any stage of the recruitment process for not conforming to the official format/having incomplete information/wrong information/misrepresentation of facts/left unsigned/submitted without fee where due without a signed photograph pasted at the appropriate place/ not accompanied by attested copies of certificates in support of their claim for educational qualifications, age and category (SC/ST/EX-S/OH/OBC), Departmental certificate or for submitting more than one application. The candidate was also required to sign a declaration at the end of the application format where he has to declare that all the statements made in the application are true, complete and correct to the best of his knowledge and belief. There is a specific declaration that "I have not submitted any other application for this Recruitment. I am aware that if I contravene this Rule, my application will be reject by the commission summarily.". This declaration was signed by the applicant while filling up the application form and respondents on scrutiny noticed that applicant has submitted two application forms in contravention of the instructions contained in the rules/instructions. Therefore, we did not find any infirmity in the order of rejection of the candidature of the applicant by respondent department and this OA is devoid of any merit. We also do not find any basis to

(13)

: 5 :

declare Note-III of Para 20 of the instructions contained with the application format as arbitrary, unreasonable, unjustified and in violation of Articles 14 and 16 of the Constitution of India. Applicant failed to establish the case of violation of Articles 14, 16 and 21 of the Constitution of India regarding Note-III of Para 20 of the instructions contained with the application format.

6. Therefore, in our considered view, applicant has no case for interference by this Tribunal. We, therefore, dismiss this Original Application at the stage of admission having no merits at all. No order as to costs.



(N.P. NAWANI)

Adm. Member



(S.K. AGARWAL)

Judl. Member