

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH**

OA No. 209/04

Jabalpur, this the 10th day of March, 2005

CO R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

Vikas Tiwari
S/o Shri Bhishma Datt Tiwari
Qr.No.H/322 Barginagar
Minor, through Shri Bhishma Datt Tiwari
Natural Guardian (Father)
R/o Qr.No.H/322, Barginagar
Dist. Jabalpur (M.P.).

Applicant.

(By advocate Shri Harshit Patel on behalf of
Shri S.C.Sharma)

Versus

1. Union of India through
Railway Recruitment Board
Bhopal Through Secretary
East Railway Colony
Bhopal.
2. The General Manager
Central Railway
Mumbai VT

Respondents

(By advocate Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following main
reliefs:

- (i) Declare that the candidature of applicant for BCORC 2002-03 Scheme cannot be cancelled on the ground that the application form was not filled up by applicant and it was filled up by his father.

(ii) Direct the respondents to immediately permit the applicant to join vocational course of BCORC 2002-03 as per the Scheme granting all benefits flowing from the same and as per rules, like appointment to the post of Ticket Examiner/Ticket Collector or any equivalent post.

2. The brief facts of the case are that the applicant who passed the 10th Board Examination from the Central Board of Secondary Education, submitted an application form for vocational training, pursuant to an advertisement issued by the Railways in 2001. At the time of submitting the application form, the applicant was suffering from sprain in his right wrist joint and as he was not able to write properly, the application form was filled up by his father. The respondents issued an admission card directing the applicant to appear in the written examination on 10.2.2002 and accordingly he appeared in the examination. During the written test, his thumb impression was obtained. The applicant obtained a higher percentage of marks in the written examination. Thereafter, the applicant received a letter dated 17.5.02 from respondent Board directing him to submit the original mark sheet as well as the admission card. However, the admission card which was misplaced, could not be produced by him on 3.6.2002 (Annexure A6). The applicant received a memo dated 4.6.2002 from the Board informing him that his candidature has been cancelled. The only reason assigned for cancellation of his candidature was that the application form submitted by the applicant was not filled up by him but it was filled up by his father. The applicant preferred an earlier OA No.483/02 and by order dated 10.11.03 the Tribunal directed the respondents to treat that OA as a representation and to consider the matter after verifying the hand writing of the applicant by other suitable means and to issue reasoned order in that regard. But the respondents rejected the representation of the applicant vide order dated 13.1.04. Simply because the form was filled up by the father of the applicant will not render the candidature of the applicant liable to be cancelled. He appeared in the written examination during the course of which his thumb impression was obtained. Till then no such objection was taken by the respondents nor any explanation was sought in this regard. The action of the respondents

is violative of the principles of natural justice and fair play. Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the applicant had submitted his application for vocational training course as per the advertisement issued by the Railway Recruitment Board, Bhopal. At that time, he was suffering from sprain in his right wrist joint. As he was unable to write properly, his application form was filled up by his father. Accordingly the applicant had appeared in the written examination held on 10.2.2002. As such he was entitled for placement in the said course. His candidature was cancelled solely on the ground that the application form was not filled up by the applicant but it was filled up by his father. Merely filling up the application form by the father of the applicant cannot legally disqualify the applicant from claiming the relief.

4. In reply, it is argued on behalf of the respondents that on the basis of written examination, the document verification was done on 3.6.02 and in the course of document verification, it was found that the handwriting in the application was different from the hand writing of the candidate and question booklet. Filling up the application form in his own handwriting was necessary precondition for qualifying which was clearly advertised in the newspaper. The father of the applicant had admitted that he (father) had filled in the application form on behalf of his son (applicant). At that time, no where it was pointed out that there was sprain in the hand of the applicant who was treated by doctor and was unable to write so the application was filled up by his father. Therefore the candidature of the applicant was cancelled on 4.6.02 as per rules. Hence the action of the respondents is perfectly legal and justified.

5. After hearing the learned counsel for both parties and carefully perusing the records, we find that admittedly the application form was filled in by the father of the applicant. This fact is admitted by the

applicant himself ad also by his father Shri Vikas Tiwari. Filling up the application form by the applicant in his own handwriting was a necessary pre-condition for admission in the written examination. It was clearly advertised in notification dated 27.10.2001 that candidates should fill up the application form in their own hand writing. When the applicant was directed to submit the original mark sheets as well as the admission card vide letter of the respondents dated 17th May 2002 (Annexure A5), in pursuance thereof, the applicant appeared before the respondents on 3.6.02 with all relevant documents and according to his own contention mentioned in the OA, para 4 (e), the applicant has admitted that the admission card which was misplaced could not be produced by him on 3.6.02 and he has filed an affidavit in that regard while the applicant had produced all other relevant documents. He did not mention in his application form the fact that due to sprain in his right wrist at the relevant point of time, he was unable to fill up his application form and the application form was filled up by his father and this fact was also not brought to the notice of RRB, Bhopal. No declaration to that effect has also been filed by the applicant.

6. Considering all the facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Accordingly, the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P.Singh)
Vice Chairman

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पृष्ठांकन से ओ/व्हा..... जबलपुर, दि.....
पतिनिधि वायरे विदा -
(1) सचिव, उच्च व्यापारिक वायरे विदा, जबलपुर
(2) वायरेटर श्री/श्रीमती/दूसरे के कार्यसाल
(3) प्रत्यर्थी श्री/श्रीमती/दूसरे के कार्यसाल
(4) वायरेटर, वायरेटर, जबलपुर
सूचना एवं आवश्यक का दर्शाया जाएगा।
S.C. Sharma 22/2/2002
M.M. Beniwal 22/2/2002
J.P. Singh 22/2/2002

*Tossed
on 14/3/05*

14/3/05
जपे रजिस्ट्रर