

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 231 of 2004

Bilaspur, this the 22nd day of November, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Sunil Kumar Shukla
S/o Late R D Shukla
aged about 29 years,
R/o S/232, EWS
Saraswati Nagar,
Jawahar chowk,
Bhopal

APPLICANT

(By Advocate - Shri K.K.Joshi)

VERSUS

1. The Union of India through the Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
2. Railway Recruitment Board, Bhopal, through The Member Secretary, East Railway Colony, Bhopal-462010

RESPONDENTS

(By Advocate - Shri M.N.Banerjee)

ORDER

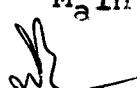
By M.P.Singh, Vice Chairman -

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

"b) to strike down the condition No.5 of the application form it being arbitrary and unreasonable or issue directions to suitably amend the said condition to provide for the contingencies of accident and injuries.

c)to issue a direction to the respondents to provide appointment to the petitioner on the post of apprentice Telecom Maintainer Grade-III and in case no post is available a supernumerary post be directed to be created to appoint him from the date other of his colleagues have been given appointment and consequential benefits to be directed to be given to him till the date he is allowed to join on the said post and interest may also be allowed on the consequential benefits."

2. The brief facts of the case are that the respondent no.2 had issued a recruitment notification on 30.11.2002 (Annexure-A-2) inviting applications for various posts notified therein, including the post of Apprentice Telecom Maintainer Grade-III (for short 'ATM-Gr.III'). The applicant



has applied, appeared & selected for the aforesaid post of ATM Gr.III. During the verification of the documents, the officer concerned of the Railway Recruitment Board (for short 'RRB') raised an objection that the application of the applicant is not in his own hand-writing and, therefore, his candidature is liable to be cancelled. Thereafter, by the impugned order dated 19.12.2003 (Annexure-A-1) the applicant was debarred for appearing in the recruitment to be conducted by the RRB in future and his result for the aforesaid examination was also cancelled. Hence this OA has been filed claiming the afore-mentioned reliefs.

3. The respondents in their reply have stated that during the course of verification of the certificates and genuineness of candidature, it was noticed that the handwriting and signature on application ^{are} ~~is~~ different from the handwriting on question book filled during examination and declaration obtained during verification. As such the documents were sent for handwriting expert's opinion who opined that they were of two different persons. According to Clause No.5 of the Notification No.2/2002 dated 30.11.2002, and Items Nos. 1.3 and 6.11 regarding terms and conditions of applying, the candidature of the applicant was cancelled, and in terms of Railway Board's letter No. E(RRB)2001/25/1 dated 14.2.2002 (Annexure-R-II), he has been debarred for life time. Since candidature was cancelled, the question of employment does not arise. The condition of filling up application by candidates in their own handwriting is just, fair and legally necessary to detect impersonation cases so it cannot be said to be arbitrary and unreasonable. Moreover, while applying, the applicant did not attach his declaration along with Doctor's certificate intimating that he was unable to fill up the form by himself due to injuries etc. Moreover, the views expressed in this regard by the applicant are imaginary without concrete proof and as such they are not tenable. Moreover, the applicant did not attach his declaration describing his difficulties in filling up the form due to injuries sustained

to his fingers and thumb and also did not attach doctor's certificate along with his application in support of his statement. He also did not bring this fact to the notice of the officials of RRB, Bhopal during verification when he attended this office. The respondents have further contended that the whatever the applicant is putting before this Tribunal is nothing but afterthoughts and fabricated story. Merely on the basis of commitment before this Tribunal that his application was filled up by his friend, this may be dismissed with costs.

4. Heard both the learned counsel of parties. The learned counsel for the applicant has contended that while filling up the application form, the finger of the applicant was injured and, therefore, he could not fill up the complete form. He got the help of one of his friends to fill up the form but put his signature on the form. He has written the examination and cleared the examination and, therefore, he should be given an appointment order and the order passed by the RRB debarring him from appearing in the examination for life time vide impugned order dated 19.12.03 (Annexure-A-1) be quashed and set aside. When a specific query was made by the Bench as to whether the fact that the applicant has taken the help of his friend was brought to the notice of the respondents at the time of submitting or his form / at the time of verification of documents, the learned counsel for the applicant has stated that this has not been done by the applicant. The learned counsel for the applicant has, however, contended that in such a contingency in the University examination, the rules of the university provides ^{assistance} of another person to write the examination

whereas the rules of RRB do not provide such a provision and, therefore, he has prayed for a direction of the Tribunal to strike down condition no.5 of the application form being arbitrary and unreasonable.

5. On the other hand, the learned counsel for the respondents has stated that the handwriting on the application form and the handwriting on the answer sheets and also the declaration made by the applicant have different handwriting. They are not matching with each other. His case was referred to the handwriting expert for verification and the handwriting expert has certified that the handwriting on the application form and the handwriting on the answer sheets of the applicant are of two different persons. Hence it has been proved beyond doubt that the answers had not been written by the applicant but by somebody else and the respondents have rightly removed this name from the panel and also debarred him from appearing in the future examination conducted in future by the RRB.

6. We have given careful consideration to the rival contentions made on behalf of both the parties. Condition No.6.11 of the general instructions issued by the respondents while publishing their advertisement no.2/2002 dated 30.11.02 (Annexure-R-1) clearly stipulates that the application form completely should be/filled up the candidate in his own hand writing and it also provides that in case it is found that the application form has been filled up by another person, his candidature will be cancelled. We find that the application form and the answer sheets have been filled up by two different persons which have been proved after due verification from the hand writing expert.

7. With regard to the plea taken by the learned counsel for the applicant that the finger of the applicant was injured and he has, therefore, taken the help of his friend, we had



asked him whether the applicant had brought this fact to the notice of the authorities at all at the time of filling up the application form or at the time of appearing in the examination or even at the time of verification of documents, he had conceded that this was not done. We are, therefore, of the considered view that the applicant's examination paper has been written by somebody else and the respondents have rightly removed his name from the panel of selected candidates and also debarred him ~~for~~ life as required under the rules. We also do not find any illegality about the conditions stipulated in the applicant form as these are applicable uniformly to all the candidates. Thus, no illegality has been committed by the respondents in removing the name of the applicant from the panel and debarring him ~~for~~ life from appearing in the future examinations to be conducted by the RRB.

8. In the result, for the reasons stated above, the O.A. is devoid of merits and is accordingly dismissed, however, without any order as to costs.

(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
Vice Chairman

rkv:

प्राचीनकाल से रोपेंचारा
द्वारा दिल्ली का नाम रखा रहा है। इसका नाम अब जल्दी बदल दिया जाना चाहिए। यहाँ जल्दी बदल दिया जाना चाहिए। यहाँ जल्दी बदल दिया जाना चाहिए। यहाँ जल्दी बदल दिया जाना चाहिए।

(1) सचिव, उद्योग विभाग, दिल्ली, राज्यपाल, जल्दी बदल दिया जाना चाहिए।
 (2) आयोगस्त्री, दिल्ली, राज्यपाल, जल्दी बदल दिया जाना चाहिए।
 (3) प्रश्नपत्री, दिल्ली, राज्यपाल, जल्दी बदल दिया जाना चाहिए।
 (4) वांचपाल, दिल्ली, राज्यपाल, जल्दी बदल दिया जाना चाहिए।

मुख्यमान एवं आयोगस्त्री कार्यालयों की देखरेख
उपर जनरल इन्स्पेक्टर

X.K. Doshi (D.V. 038)
M.H. Banerjee
(D.V. 03)

Issued
on 2/12/09
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