

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 6th day of April, 2011

Original Application No.275/2010

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Uma Shankar Yadav
s/o Shri Sudhan Yadav,
r/o of Village & Post Raffipur (Bakarganj),
Distt. Siwan (Bihar), c/o Shri Om Prakash Tiwari,
57, Karni Nagar, Vivek Vihar,
Gandhi Path West,
Near Vaishali Nagar, Jaipur and
aspirant for appointment to the post
of Group-D in North Western Railway,
Jaipur

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India
through General Manager,
North Western Zone,
North Western Railway,
Jaipur
2. Chief Personnel Officer,
North Western Zone,
North Western Railway,
Jaipur
3. Assistant Personnel Officer (Recruitment),
Railway Recruitment Cell,
North Western Railway,
Jaipur.

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The short controversy involved in this OA is that in response to the employment notice No.1/2007 (NWR Group-D) published through Employment News on 28.7.2007 for filling up certain posts of Group-D in the North Western Railway, the applicant applied for the said post. He appeared in the physical test held at Jodhpur on 28.3.2008 and for written test at Kishangarh, Ajmer on 4.5.2008.

2. The controversy arose when vide letter issued in the month of May, 2008 which was received by the applicant on 28.8.2008 by which the applicant was informed that his applicant has been rejected on the ground that photo copies of the certificates were not attested by the Gazetted officer. Against the said rejection letter, the applicant approached the CAT, Patna Bench by filing OA No.80/2008 which was disposed of as withdrawn on the ground of jurisdiction vide order dated 6.4.2010 (Ann.A/5).

3. The present OA is filed before this Tribunal to challenge rejection letter of the applicant containing reason that photo copies of the certificates were not attested by the Gazetted Officer on the ground that the applicant is fully eligible for selection and also qualified the same as per his performance and the applicant will become overage after present selection and will not be in a position to get employment and at this stage rejection is not at all justified and also against the procedure, and as such, action of the respondents is liable to be quashed and set aside.



4. In support of his submissions he has placed reliance on the judgment rendered by the CAT, Calcutta Bench in the case of Sudhangshu Sekhar Biswas and Ors. vs. Union of India and Ors. dated 20.8.2009 reported at 2010(1) SLJ (CAT) 237 wherein the Calcutta Bench of the Tribunal considered the entire issue involved in the case and observed as under:-

"3. The respondents have contended that it is the prerogative and within the domain of the respondents-Administration to reject the applications for appointment at any point of time. According to the respondents, certain irregularities were found in the application forms of the applicants, such as, mismatch of handwriting/signature in the application form/OMR/Declaration etc."

The learned counsel further placed reliance on the judgment rendered by the Hon'ble Apex Court in the case of Parmanand Singh vs. Union of India and Ors., reported at 2009(2) SCSLJ 87, wherein the Hon'ble Apex Court has observed that appellant was asked to produce the original documents which were in fact with the school who had given certificate that all documents were with them as per Government orders. However, documents were shown before the CAT. It was held that he should be adjusted when there is a vacancy.

4. The respondents in their reply admitted to the extent that respondents have notified vacancies vide employment notification No.1/2007 (NWR Group-D) for filling up certain posts of Group-D category. It is contended on behalf of the respondents that in the notification itself it has been specifically mentioned in detail that the application of the candidate can be rejected in case the

A handwritten signature in black ink, appearing to be a stylized 'S' or a similar character, followed by a horizontal line.

application is found invalid. Since in view of condition contained in the aforesaid notification in 8.11 (viii) and 8.12 (xiii) where it has been specifically mentioned that in case of not submitting attested copies of certificates then the Railway would be at liberty to reject his application and therefore, his application has been rejected and there is no relaxation to submit the attested copy of the certificate subsequently after rejection of the application form. It is also made clear in the provision of para 8.12 that in the absence of not sending certificates attested by the Gazetted officer application of the candidate would be liable for rejection. As per Para 8.11.(viii) only attested copies of educational qualification certificates, proof of age and Caste Certificate for SC/ST/OBC handicapped certificate for PH candidates should be enclosed and copies of certificates should be attested by a Gazetted officer. The learned counsel appearing for the respondents further drawn our attention towards condition No.14 wherein it has been mentioned that call letter is only a permission to appear for the PET. Issue of call letter in no way indicative that RRC-Jaipur is otherwise satisfied with details and documents of candidates and does not entitle the candidate to any appointment whatsoever on the railway and in para 15 this fact has been clearly mentioned. It is also contended that as many as many as applications of 141 candidates were rejected by the Railway and it is not a solitary case where the application has been rejected as out of 141 candidates name of the applicant is shown at Sl.No.116.



5. It is not disputed that the selection process is over and as per the consistent view taken by the Hon'ble Supreme Court and the High Court the settled position cannot be unsettled at this belated stage. Upon perusal of clause-xiii of para 8.12 of the employment notification, it is clearly indicated in the employment notification that photocopies of the certificates not attested by the Gazetted officer will be sufficient ground for rejection of the application.

6. The judgments referred to by the learned counsel appearing for the applicant have no application on the facts and circumstances of the case as in the case before the Apex Court the documents were with the school as per the Government orders and school has not provided the same, therefore, it was not the fault of the candidate wherein in the instant case, the applicant himself failed to fulfill the condition indicated in Para 8.12 (xiii) in the employment notification. Therefore, the judgment relied upon and referred by the applicant are having no bearing on the facts and circumstances of the present case. The applicant should be more vigilant while sending his application form pursuant to the aforesaid notification and at this stage we do not want to interfere in the selection process which has already been over.

6. For the reasons discussed hereinabove, the OA is dismissed with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/