

CENTRAL ADMINISTRATIVE TRIBUNAL,

JAIPUR BENCH

O.A.No.434/2013

Orders pronounced on : 29.7.2016
(Orders reserved on: 27.07.2016)

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. MEENAKSHI HOOJA, MEMBER (A)**

Suresh Chand Bairwa

S/o Shri Mulya Ram,

aged about 28 years,

R/o Village Gopalgarh,

Tehsil-Mahuwa,

District Dausa.

Applicant

Versus

1. Union of India through its General Manager,
North Western Railway,
GM Office,
Near Jawahar Circle,
Jaipur.
2. The Dy. Chief Personnel Officer (Rectt.),
Railway Recruitment Cell, North Western Railway,
Durgapura Railway Station, Jaipur-302018.
3. The Assistant Personnel Officer (Recruitment and Trailing, Railway
Recruitment Cell, North Western Railway, Durgapura Railway
Station, Jipur-302018.

Respondents

Present: Mr. Punit Singhvi, Advocate, for the applicant.
Mr. Anupam Agarwal, Advocate, for Respondents.

ORDER
HON'BLE MR. SANJEEV KAUSHIK , MEMBER (J)

1. The applicant has filed this O.A., inter-alia, aggrieved by action of the respondents in rejecting his candidature on the sole ground of filling in the verification in two different languages i.e. English and Hindi in the form and in the examination and that he should be considered for appointment against vacancies advertised by the respondents etc.

2. The facts which lead to the filling of the instant Original Application are that the respondents issued Employment Notice No. 2/2010 dated 16.12.2010 for filling up around 5020 posts in pay band-I in Divisions, Workshops, Units of North Western Railway (Annexure A-2). The applicant submitted his application for the said recruitment. The respondents issued an attendance slip to the applicant permitting him to appear for the examination on 6.5.2012. He was asked to appear in the physical test on 11.10.2012 (Annexure A-4). The applicant was asked by the respondents to appear for document verification on 16.1.2013 and he appeared for the same. The applicant was orally informed that since the verification column in the form filled in and thereupon verification column in the paper have been filled in two different languages i.e. English and Hindi, therefore, it was presumed that the applicant is not the same person. At the time of verification of documents the applicant filled the verification both in Hindi and English to demonstrate that he is the same person who has filled in

the form and has appeared for the examination. The applicant approached this Tribunal by O.A. No. 314/2013 which was disposed of on 12.4.2013 with liberty to the applicant to file a representation which was to be decided by respondents. The applicant submitted a representation on 13.5.2013 but to no avail. Hence the O.A.

3. The respondent have filed reply opposing the O.A. They submit that applicant has failed to understand the reasons of his disqualification. As per the instructions he was under obligation to read all the instructions and follow the same yet he failed to follow the same. Instruction No. 3 of the OMR Answer Sheet which provide for reproduction of the paragraph is quoted as "in your own running handwriting reproduce the paragraph as given in the question booklet both in Hindi and English languages". Despite specific instruction in the OMR Answer Sheet, he failed to write the paragraph both in Hindi and English. The same was disclosed during checking and thus he was rightly disqualified. It was communicated to him vide letter dated 24.7.2003. Thus, the claim of applicant merits rejection. During scrutiny of application it was found that he has reproduced the paragraph only in English while as per the instructions he was to reproduce in both in Hindi and as well as in English. As per Annexure R-3, it is clear that applicant has reproduced the paragraph in Hindi while submitting his application. As such it was not possible for the respondents to compare and verify his hand writing in OMR Answer sheet with that of his application form. It led to non verification of

his presence during written examination and as such his candidature was rightly cancelled.

4. We have heard learned counsel for the parties at length and examined the material on file.
5. A perusal of the notification dated 16.12.2010 (A-2) would show that same contains instructions to the candidates in para 10 and para 10.6 of the same providing that "Candidates should read all the instructions on call letter, question booklet and OMR sheet, as the same are mandatory". It is not in dispute that as per instruction no.3 of the OMR answer sheet, the applicant was required to reproduce the paragraph as given in the question booklet both in Hindi and English languages, but he has failed to do so. Thus, having failed to follow the instructions religiously and faithfully, he cannot be allowed to turn around and claim that there was no fault on his part and his candidature cannot be cancelled. If the candidates in an open selection do not follow the guidelines, it would not be possible for selection authorities to carry out the selection process.
6. In view of the above discussion, we do not find any fault with the action of the respondents and the O.A. is accordingly dismissed. No costs.


(SANJEEV KAUSHIK)
MEMBER (J)


(MRS. MEENAKSHI HOOJA)
MEMBER (A)

Place: Jaipur

Dated: 29.7.2016

HC*