

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 09.12.2014


OA No. 664/2013

Mr. Sandeep Garssa, counsel for applicant.
Mr. Y.K. Sharma, counsel for respondents.

Arguments heard.

Order reserved.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(B. V. RAO)
JUDICIAL MEMBER

Kumawat

12/12/2014

order pronounced
today in the
open court
by the aforesaid
Bench.


12/12/14.

C.O.

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 664/2013

ORDER RESERVED ON: 09.12.2014

DATE OF ORDER: 12.12.2014

CORAM

HON'BLE MR. B.V. RAO, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Satyveer S/o Shri Jaipal Singh, aged about 29 years, R/o
Village Padampura, Tehsil Chirawa, District Jhunjhunu
(Raj.)

...Applicant

Mr. Sandeep Garssa, counsel for applicant.

VERSUS

The Assistant Personnel Officer (Recruitment), North
Western Railway, Jaipur.

...Respondent

Mr. Y.K. Sharma, counsel for respondent.

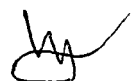
ORDER

(Per Mr. B.V. Rao, Judicial Member)

The applicant has filed the present Original Application
under Section 19 of the Administrative Tribunals Act, 1985
praying for the following reliefs: -

"(i) by an appropriate order or directions, the impugned
order dated 25.07.2013 (Annexure A/1) may
kindly be quashed and set aside and the
respondent be directed to give appointment to
the applicant on the post of Group 'D' employee
in pursuance of advertisement (Annexure A/2).

(ii) Any other appropriate order or directions which
are deemed just and proper by this Hon'ble



Tribunal may also be passed in favour of the applicant.

(iii). The Original Application may kindly be allowed throughout with costs.

2. The brief facts of the case, as stated by the applicant, are that the respondent issued an advertisement dated 16.12.2010 (Annexure A/2) for the Group 'D' post, for which the educational qualification as prescribed is 10th pass or equivalent and age was prescribed as 18 to 33 years.

3. The applicant belongs to OBC category and passed his Secondary School Examination in the year 1998 with 55% marks and Senior Secondary in the year 2000 with 50.60% marks. The applicant submitted a copy of Caste Certificate, marks-sheet of Secondary Examination, marks-sheet of Senior Secondary Examination as Annexure A/3, A/4 & A/5, respectively.

4. The applicant being eligible and entitled for the Group 'D' posts in pursuance of advertisement Annexure A/2 submitted his application form enclosing all the required documents. The respondent after scrutinizing the application form of the applicant issued attendance slip (Annexure A/6) for written examination dated 06.05.2012. The applicant appeared in the written examination and was



declared successful and thereafter he was called for Physical Efficiency Test (PET) by issuing attendance slip (Annexure A/7) for PET dated 15.10.2012. The applicant also cleared Physical Efficiency Test and thereafter he was called for document verification by issuing attendance slip (Annexure A/8) dated 23.01.2013.

5. The applicant submitted that after verification of documents, the applicant was waiting for offer of appointment, but he remained shocked and surprised to receive the impugned order dated 25.07.2013 (Annexure A/1) whereby rejected the application form of the applicant merely on the count of mentioning his date of birth as 20.7.1984 instead of 22.7.1984.

6. Being aggrieved by the impugned order dated 25.07.2013 (Annexure A/1), the applicant has filed the present Original Application submitting that the impugned order dated 25.07.2013 is absolutely illegal, arbitrary and unconstitutional, hence, deserves to be quashed and set aside.

7. The applicant challenged the impugned order on the ground that the respondent cannot cancel the application form of the applicant at the stage of final selection, due to the minor inadvertent mistake of mentioning the date of



birth as 20.7.1984 in place of 22.7.1984. He submitted that the minimum and maximum age prescribed for appointment as per advertisement was 18 and 33 years. As per his date of birth, the age of the applicant comes about 27 years at the time of submission of the application form. As such behind mentioning of 2 days elder age, there was no intention of the applicant to get any undue advantage but it was an inadvertent mistake and as such selection of a candidate cannot be cancelled. As per para No. 8.11 (XVI) of the advertisement, if there were found any irregularity in the form, the application form can be rejected but it should be at the time of scrutiny of the application form not after selection of a candidate. Therefore, the applicant prayed for quashing and setting aside the impugned order dated 25.07.2013 (Annexure A/1) and for direction to the respondent to give appointment to the applicant on the post of Group 'D'.

8. On the contrary, the respondents have filed their written reply. In the reply, the respondents have stated that it was specifically mentioned at the top of the form to carefully read the instructions prior to filling up the application form. It was upon the applicant to fill his correct date of birth in column no. 9 and according to para no. 3.02 of the advertisement, the applicant had to annex 10th Board certificate regarding his date of birth, but the applicant



marked date of birth as 20.07.1984, while according to 10th Board Certificate, his date of birth is shown as 22.07.1984 and as such the applicant filled wrong date of birth in the column no. 9, which was wrong and as per his declaration in the application form, it has been admitted by the applicant that in case of wrong and incorrect information, his candidature may be rejected (Annexure R/1). As such on the basis of the declaration given by the applicant in the application form, his candidature has been rejected on being found wrong and incorrect information filled in the application form.

9. The respondents have further stated that though the applicant was issued attendance slip for written examination dated 06.05.2012, wherein it was specified in column no. 15 of the instruction for written examination that this call letter is only a permission to appear in the written examination. Issuing this call letter does not in any way indicate that RRC Jaipur is otherwise satisfied with application form, details and documents of candidate or entitle the candidate to any appointment whatsoever on the Railway (Annexure R/2). Likewise in the letter for Physical Efficiency Test, para no. 13 is relevant which also state the same facts as stated in the instruction for written examination (Annexure R/3).



10. The respondents have further submitted that the applicant has failed to annex the complete documents along with the Original Application because each and every call letter is annexed with the instructions / guidelines. In the call letter for document verification, there are instructions at its back side wherein para no. 8 is relevant which clearly mention that if any candidate does not fulfill the requisite criteria, then RRC Jaipur is entitle to reject application form / candidature from recruitment process and in case the appointment is given, he may be removed with immediate effect (Annexure R/4).

11. It was found that the applicant had filled wrong and incorrect date of birth in the application form and in accordance with the condition of para 8.11 (XVI) of the advertisement dated 16.12.2010, the application form / candidature of the applicant has been rejected vide order dated 25.07.2013. There is no illegality, arbitrariness and unconstitutionality in passing the order dated 25.07.2013.

12. It is further submitted by the respondents that when it has been mentioned at every stage that any wrong information given in the application form will be subjected to cancellation of candidature. Therefore, on the basis of wrong information filled in the application form, candidature of the applicant has been rejected vide order dated



25.07.2013. Therefore, the respondents prayed that the Original Application deserves to be dismissed with costs.

13. Heard learned counsel for the parties and perused the documents available on record.

14. The simple dispute in this case is in respect of filling up of the application form by the applicant. The main controversy as admitted by both the parties is that the applicant had filled wrong and incorrect date of birth in the application form as 20.07.1984 instead of 22.07.1984. The applicant though filled up the date of birth as 20.07.1984; he enclosed the 10th class Board Certificate wherein the date of birth was 22.07.1984. As per para 8.11 (xvi) of the advertisement dated 16.12.2010, if the authorities found any irregularity in the application form, the application form can be rejected.

15. Because of the wrong entry of the date of birth, the candidature of the applicant has been rejected by the respondents vide order dated 25.07.2013 which is under challenge in this Original Application.

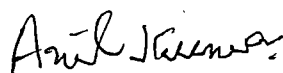
16. Having seen the grounds and material and after considering the submissions of both the parties, we are of the considered view that this is only an issue with regard to



the facts. There is no need to decide any legal issue or principle. The applicant admittedly given wrong date of birth in the application form, which is liable to be rejected as per the condition prescribed in para 8.11 (xvi) of the advertisement dated 16.12.2010.

17. As per his declaration in the application form, written by his hand, (Annexure R/1), it has been admitted by the applicant that in case of wrong and incorrect information, his candidature may be rejected. Therefore, in view of his declaration also, there is no illegality in the action of the respondents in rejecting the candidature of the applicant by the letter dated 25.07.2013 (Annexure A/1).

18. In view of the above position, we do not find any irregularity or illegality in the impugned order dated 25.07.2013 (Annexure A/1) passed by the respondents. Hence, the Original Application is dismissed having no merit. No order as to costs.



(ANIL KUMAR)

ADMINISTRATIVE MEMBER



(B. V. RAO)

JUDICIAL MEMBER