

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 31st day of May 2018

Hon'ble Dr. Murtaza Ali, Member (J)
Hon'ble Mr. Gokul Chandra Pati, Member (A)

Original Application No. 330/00046 of 2018

Tej Pal Verma, S/o Midai Lal, R/o Village Tikra, Post Jar, district Sitapur (UP).

...Applicant

By Adv : Shri Sundeep Dwivedi & Shri Jaswant Singh

V E R S U S

1. Union of India, thorough the Secretary, Ministry of Railways, Rail Bhawan, 1, Rafi Marg, New Delhi.
2. Railway Recruitment Board, Allahabad through its Chairman, Opposite North Central Railway, HQ Office, Near Subedarganj, Railway Hsopital, Subedarganj, Allahabad.

...Respondents

By Adv: Shri S.K. Pandey

Alongwith

Original Application No. 330/00047 of 2018

1. Gaurav Sharma, S/o Sri Naresh Chand Sharma, R/o H. No. C-22 Brijesh Nagar, Near Dr. Panna Lal House, Paper Mill Road, District Saharanpur, UP.
2. Vikash Ranjan Verma, S/o Shri Jitendra Kumar, R/o Mohalla Badhai Tola Road, Chhatauni Motihari, Motihari, District East Champaran, Bihar.
3. Priyanka Kumari, D/o Saryug Prasad, R/o Balwapar, Post Chakwai, District Nawada, Bihar.

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O R D E R

By Hon'ble Mr. Gokul Chandra Pati, Member (A)

On request of the learned counsel for the applicants, both the OAs were heard together as the respondents are the same and identical reliefs as extracted below have been prayed for in both the OAs as under:-

- "i. To quash / set aside the orders dated 01.12.2017 as well as order dated 03.01.2018 passed by the respondent No. 2 in pursuance of applicants.*
- ii. To pass the direction to the respondent No. 2 to modify the final select list and consider the case of the applicants for appointment as per their merit position alongwith orders.*
- iii. To grant any other relief to which he is entitle as this Hon'ble Tribunal may deem fit and proper.*
- iv. To award his cost."*

2. Both these OAs are disposed of with this common order. Shri Sudeep Dwivedi, Shri Jaswant Singh, learned counsels for the applicants and Shri S.K. Pandey, learned counsel for the respondents were present for hearing. The facts in the OAs are that in pursuance to the Railway Recruitment Board Centralized Employment Notice No. 03/15 (in short CEN), the applicants in both the OAs had submitted their applications as per the notice. They cleared the first level computer based test (in short CBT-I), where they qualified and they were shortlisted in 2nd stage examination (In short CBT-II) considering the skill test, aptitude test and document verification etc. Finally result was declared on 10.11.2017 (Annexure A-2) in which the names of the applicants were not included. Subsequently, the applicant in OA 46/18 received a letter 01.12.2017 stating that he has enclosed a photograph of full body with goggles, which was contrary to the instructions in para 7.04 of CEN. The candidates are required to bring their photographs of size 3.5 Cm X 3.5 cm with clear front view of the candidates, without cap and sunglass, as per the para 7.4 and 5.05 of the instructions for the CEN. Since these instructions were violated the by the applicant in OA No. 46/18, his candidature has been rejected by the respondents no. 2 vide order dated 1.12.2017 (Annexure A-1).

3. In OA No. 47/18, a letter dated 30.11.2017 / 01.12.2017 (Annexure A-1) was issued to the applicants stating that the applicants failed to copy

the self declaration in their running handwriting, not in block letter as per the instructions in para 7.04 of CEN. But in this case, the applicants had written the self declaration in block letters, thus they have violated the instructions contained in para 7.04 and 7.05 of CEN for which their candidature have been rejected by the respondent no.2 vide orders dated 30.11.2017/1.12.2017 (Annexure A-1, A-2 and A-3).

4. The main grounds taken in the OAs are the following:-

- i. The applicants have not been empanelled in the final select list nor they are in the withheld list, although candidates securing less marks have been empanelled and recommended for recruitment.
- ii. The applicants had earlier filed the OA which was disposed of by this Tribunal with a direction to the respondents to decide their representations, which have been rejected by the respondents.
- iii. When the applicants were selected at the first stage i.e. CBT-I, their candidature should not have been rejected arbitrarily.
- iv. The applicants had appeared in the examination at different stages and no where there is any allegation of any malpractice indulged by them in the examination. The mistakes like posting wrong photograph and writing self declaration in block letters are human errors, which are minor in nature and that should not have been taken as reasons for rejecting the candidature of the applicants.

5. In the short counter affidavit the respondents have stated the following:-

- i. In pursuance to the order of this Tribunal the applicants submitted the representation dated 13.01.2017 was disposed of by the respondents by passing reasoned and speaking order dated 03.01.2018 (Annexure No.1 to the CA), which has not been challenged in both the OAs.

ii. The applicants have violated the instruction of CEN as well as on the E-call letter by writing in block letters or submitting the photographs not as per the instruction. Therefore, their candidature has been rightly rejected by the respondents.

6. Heard the learned counsel for the applicant. He reiterated the facts in the OA and submitted that the mistakes committed by the applicants are minor which should have been ignored. The learned counsel cited the following judgments in support of his case:-

- a. ***Union Public Service Commission Vs. Gyan Prakash Srivastava – 2011 Law Suit (SC) 1258.***
- b. ***Dolly Chhanda Vs. Chairman, JEE – 2004 Law Suit (SC) 1191.***
- c. ***Commissioner of Police, Delhi Vs. Dhaval Singh – 1998 Law Suit (SC) 523.***
- d. ***Snajay Raj Vs. State of U.P & Others – 2013(2) ADJ 558.***
- e. ***Ajay Kumar Mishra Vs. Union of India & Ors. – 2016 Law Suit (Del) 6709.***
- f. ***Order dated 21.02.2017 passed by the C.A.T., Principal Bench, New Delhi in O.A No. 215/2017 alongwith connected O.A.***
- g. ***Order dated 23.10.2017 passed by the C.A.T., Principal Bench, New Delhi in O.A No. 2964/2017 alongwith connected O.A.***
- h. ***Order dated 10.03.2015 passed by C.A.T., Principal Bench, New Delhi in O.A. No. 1240/14.***
- i. ***Order dated 13.02.2013 passed by C.A.T., Principal Bench, New Delhi in O.A. No. 2063/12***

7. He further submitted that in these cases as cited above, the applicants have been given necessary reliefs. Learned counsel for the respondents reiterated the contentions of the respondents in the counter affidavit.

8. The main issue in this case is to decide as to whether the mistakes committed by the applicants can be taken as major or minor mistakes. It is a fact that these mistakes are violation of the instructions given in the advertisement in CEN by the respondents. In the order dated 16.03.2015

of the Principal Bench of this Tribunal in OA No. 1240/14 – Vinod Narmal vs Union of India and others, it was held as under:-

“4. We have heard both sides and have perused the material on record. It is clear from the pleadings that the only reason for rejection of applicant's candidature was that he had signed his application in capital letters. Learned counsel for the applicant, without going into the other grounds mentioned in the OA, placed reliance on the judgment dated 24.02.2012 of Hon'ble High Court of Delhi in the case DSSSB & Anr. Vs. Neeraj Kumar & Anr., [WP(C) No. 1004/2012 and CM-2212/2012]. He argued that the applicant's case was squarely covered by the aforesaid judgment in which the Hon'ble High Court has ruled against rejection of application on the ground that signature of the candidate has been made in block capital letters.

5. On the other hand, learned counsel for the respondents argued that this case was distinguishable from Neeraj Kumar's case (supra) relied upon by the applicant because in Neeraj Kumar's case the candidate had put his name in capital letters and had signed above that in capital letters. Further he relied on the judgment of Hon'ble Supreme Court in the case of Lachmi Narain etc. etc. Vs. UOI & Ors., AIR 1976 SC 714 in which it has been held as follows:-

If the provision is couched in prohibitive or negative language, it can rarely be directory, the use of peremptory language in a negative form is per se indicative of the intent that the provision is to be mandatory.

6. We have perused the aforesaid judgment and we find that in this case the candidature of the respondent for the post of Teacher (Primary) in Municipal Corporation of Delhi had been rejected because the candidate had signed his application in capital letters. The respondents had then filed OA-3095/2010 before the Tribunal, which was allowed on 16.09.2011. This order was challenged by the DSSSB by means of Writ Petition (C) No. 1004/2012 before the Hon'ble High Court of Delhi. During the course of hearing of this Writ Petition, Hon'ble High Court had enquired from the petitioners therein as to the reason why candidates were being prohibited from signing in capital letters. They were informed that this was necessary to prevent impersonation. On considering this submission, Hon'ble High Court had opined that impersonation can be prevented in several other ways, such as, affixation of photograph in the application form as well as admit card etc. Thereafter, they had ruled that the stipulation regarding invalidity of application on the ground that the applicant had signed in block capital letters was merely directory and not mandatory and Writ Petition was dismissed.”

9. Further, this Tribunal following the case of *DSSSB & Anr. Vs. Neeraj Kumar & Anr., [WP(C) No. 1004/2012 and CM-2212/2012]* decided by Hon'ble Delhi High Court, extended the similar benefit, since the applicant in that case had signed on the documents in capital letters.

10 In the case of Ravindra Malik vs Union of India and Ors. (OA No. 2063/12) decided by the Principal Bench of this Tribunal, the applicant was not selected in-spite of securing higher than the cut off marks because in Tier II examination while coding the particular on OMR answer sheets the applicant had wrongly entered the his ticket / seat number, for which

his answer sheet was not evaluated and zero marks has been given. One of the contentions of the applicant in this OA was that the answer sheet for paper No. 1 was evaluated and he was initially awarded 129 marks although wrong ticket number was mentioned. The following observations were made by this Tribunal in that case:-

"10. The learned counsel for the applicant places reliance on the following Judgements in support of his contentions:

Judgement dated 24.07.2012, Writ Petition (C) No.4189/2012 of the Honble High Court of Delhi in the case of Rohit Yadav v. Central Board of Secondary Education and Ors.

Judgement dated 24.02.2012, Writ Petition(C) No.1004/2012 and CM 2212/2012 of the Honble High Court of Delhi in the case of Delhi Subordinate Services Selection Board and Anr. V. Neeraj Kumar and Anr.

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19. In Neeraj Kumars case (supra), the candidature of the candidate for the post of Teacher (Primary) in the Municipal Corporation of Delhi was rejected by the Delhi Subordinate Services Selection Board on the ground that as per Clause 8(e) of the Advertisement, applications not signed or signed in English capital letters are categorized as invalid applications and that the respondent in the said case (Shri Neeraj Kumar) put his signature in capital letters, though he secured 118 marks as against the cut off marks of 101 under the OBC category. When he approached this Tribunal, the said OA was allowed directing the respondents to verify and compare the signature of the candidate in the original application form with his signatures in other documents available with them and if it was found to be genuine, to declare his results and offer him appointment with all consequential benefits except back-wages. Thereafter, the Honble High Court of Delhi, in the Writ Petition [WP (C) No.1004/2012] filed against the order of this Tribunal, while examining the object behind the instruction of candidates should not put their signatures in capital letters, held that the same is for identifying the candidate, and identity of the candidates could be established from some other factors such as photograph which was fixed on the application form as well as from the roll number/admit card, etc. issued to him and the signature in capital letters would, therefore, have not been of much use for achieving the object of verifying the identity of the candidate, and dismissed the Writ Petition filed by the respondent-DSSSB. It was also held that the stipulation with regard to the invalidity of an application on the ground that the applicants signature is in block/capital letters in English is merely directory and not mandatory.

20. In Rohit Yadav's case (supra), petitioner applied, through online, for All India Engineering Entrance Examination (AIEEE) wherein he mentioned his date of birth wrongly as 04.04.1994 instead of 08.04.1994. Though the petitioner was selected for Engineering seat at NIT, Kurukshetra but at the time of verification of the documents, it was found that the date of birth of the applicant mentioned in his online application was in variance with his original date of birth mentioned in his birth certificate, and hence he was denied the admission. The Hon'ble High Court of Delhi, after observing that as there is no dispute with regard to the genuineness of the date of birth as 08.04.1994, debarring him from admitting into the college on account of his mistake in mentioning his date of birth incorrectly in his online application, would amount to travesty of justice. It was further held that on account of the bonafide mistake of the

petitioner, he cannot be penalised to the extent that the admission granted to him be cancelled and directed the respondents to grant admission to the petitioner. It was also observed that the petitioner had no intention to mislead the respondents or gain any unfair advantage and hence the petitioner cannot be debarred.

21. In Roshan Lal's case (supra), the candidate therein has not coded the Test Form No. in his OMR Answer sheet, and the Hon'ble High Court of Delhi having observed that the object behind the requirement of coding the Test Form No. is to prevent any malpractice and that even if the questions are correctly answered, the answer sheet would obviously not read by the OMR machine, rejected the Writ Petition.

22. In Mohit Sharma's case (supra), the candidate therein wrongly coded his Roll No. on the front page of his OMR answer sheet and hence, he was awarded zero marks in Paper-2 basing on the similar contention, i.e., "Answer sheet with incorrect coding of any of the particulars would be awarded zero marks". Since machine will read the coded information in the OMR answer sheet and in case the information is incomplete/different from the information given in the application form, the candidature of such candidates will be treated as cancelled. This Tribunal dismissed the OA on the ground that inspite of specific instructions/warnings, the applicant committed mistake in the Code for one digit of his Roll Number. The Hon'ble High Court of Delhi also confirmed the said Judgement in its Writ Petition No.8364/2011, decided on 28.11.2011.

23. In Harish Kumar's case (supra), the candidate therein wrongly coded the Ticket No. on the front page of OMR Answer sheet for his Tier-I examination and hence he was denied opportunity to sit for the Tier-II examination. This Tribunal, following the orders in Mohit Sharma's case (supra), dismissed the said OA.

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27. However, as the applicants OMR Answer Sheet for Paper-1 of Tier-II examination has already been evaluated by the OMR machine, and awarded 129 marks to him for the said paper, and as per the marks announced by the respondents vide Annexure A5 and Annexure A6, the applicant is eligible to be placed in the merit list for the post of Inspector (Central Excise) against the vacancy of Inspector (Central Excise) which was directed to be kept vacant by this Tribunal and as held by the Honble High Court of Delhi in Neeraj Kumars case (supra), that the instructions regarding filling up of the OMR Answer Sheets, in the absence of allegations of any mal-practices, are merely directory and not mandatory and in view of the observations of the Honble Apex Court in Sandeep Kumars case (supra) that the approach should be to condone minor indiscretions made by young people, we are of the considered opinion that the OA deserves to be allowed.

28. In the peculiar facts and circumstances of this case and for the aforesaid reasons, the OA is allowed and the respondents are directed to consider the case of the applicant for appointment to the post of Inspector (Central Excise) or to any other post, as per his merit, after taking into the marks awarded to the applicant for Paper-1 of Tier-II examination as per Annexure A5 coupled with the marks awarded to him under Annexure A6, if otherwise eligible, within a period of 60 days from the date of receipt of a copy of this order."

11. In the case of Sh Rohit Kumar and others vs. Union of India and others (OA No. 2964/17 with OA No. 3377/17 and OA No. 3287/17 decided by the Principal Bench of this Tribunal, it was held as under:-

“7. We are, therefore, of the considered view that the claim of the applicants herein is on all fours covered by the ratio of the aforesaid decision of the Tribunal in the case of Avinash Chandra Singh & Ors. (supra) as affirmed by the Hon’ble High Court. Accordingly, this OA is allowed observing that the mistakes or lapses committed by the applicants were non-essential and not substantive. Cancellation of their candidature for these minor lapses was unwarranted. Enough material was available with the respondents to evaluate them despite the lapses committed by the applicants. The respondents should be conscious of the fact that they are dealing with careers of young applicants. A mechanical or myopic application of instructions has to be avoided at all cost especially when the nonconformity of instructions is clearly procedural only and not pertaining to any allegation of malpractice or unfair means. If candidates are rejected on these non-essential grounds then the very objective of conducting the competitive examination, namely, to identify the most meritorious candidates for filling up the available posts would be defeated. The respondents are directed to process the candidature of the applicants and declare their result on the basis of pure merit list, if they are not found ineligible for any other reasons. The aforesaid exercise should be completed within a period of three months from the date of receipt of a certified copy of this order. No costs.”

12. In the case of OA 215/17 with OA No.263/17 and OA 391/17 decided by the Principal Bench of this Tribunal on 21.02.2017, the applicants did not indicate the subjects to which they were answering the paper in the relevant column on the top of the answer sheets. In one of the OA the applicant’s candidature was rejected because he did not fill the relevant column indicating the medium in which he was answering the question. Relevant para is the said judgment is reproduced below:-

“6. From the above judgments, we find that the Apex Court has ruled that in young age youth do commit some minor mistakes which need to be condoned. They have also held that much hardship and harassment in Administration flows from overemphasis on the external rather than the essential. They have frowned upon the tendency of the administration to be formalistic and ritualistic holding this to be unrealistic and unwittingly traumatic, unjust and subversive. According to them, this dehumanises the administrative, judicial and even legislative process. Further, they have held that what is essential is that a candidate must possess the eligibility qualification for a post on the last date fixed for such purpose either in the appointment brochure or in the application form. Submission of documents is only in the nature of proof and there can be some relaxation in the matter of submission of such proof. Every infraction of the rule relating to submission of proof need not necessarily lead to rejection of candidate. In the case of Guduru Raja Surya Praveen and Ors. (supra) Hon’ble High Court of Hyderabad has held that non-substantive and non-material irregularities shall not result in denying the benefit of evaluation of the answer sheet of a candidate. In the case of Ms. Kritika Raj (supra) this Tribunal had condoned her mistake of mentioning wrong roll No. in the Power Point test. The aforesaid decision was upheld by Hon’ble High Court of Delhi and SLP filed against this was also dismissed by the Apex Court. Hon’ble Supreme Court in the case of Gyan Prakash Srivastava (supra) has held that even non-submission of Law Degree for the post of Legal Advisor-cum-Standing Counsel under Government of NCT of Delhi would not prove fatal when enough evidence was otherwise available to establish the fact that the candidate possessed a valid Law

Degree. Lastly in the case of Neeraj Kumar and Anr. (supra) Hon'ble High Court of Delhi has held that the identity of a candidate could easily have been established from his photograph and, therefore, the direction not to sign in block capital letters in English was merely directory and not mandatory. They went on to provide relief to the respondent on this premise. In the instant case, we find that applicants of OA-263/2017 and applicant of OA-391/2017 were disqualified by the respondents on the ground that the subject had not been indicated by them on the top right hand corner of the answer sheet. We find from perusal of the answer sheet that the same information was sought by the respondents three times on the same page. Thus, besides the columns on right hand top corner just below that where particulars of candidate have been sought there is a column to indicate the subject. Further, on the right hand side at the bottom again some information has been sought. Thus, even if the candidate had not encircled the top right hand corner of the answer sheet from other columns it was possible to know which subject the applicant was attempting.

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8. Thus, our conclusion is that judicial pronouncements are overwhelmingly in favour of the applicants. The mistakes or lapses committed by them were non-essential and not substantive. Cancellation of their candidature for these minor lapses was unwarranted. Enough material was available with the respondents to evaluate them despite the lapses committed by the applicants. If candidates are rejected on these non-essential grounds than the very objective of conducting the competitive examination, namely, to identify the most meritorious candidates for filling up the available posts would be defeated.

13. Taking into account the findings in the judgments cited by the applicants and as discussed above, the main issue to be determined is whether the mistakes are non essential and the violation of the instructions which are not mandatory in nature. As revealed by the counter filed by the respondents in OA No. 46/18, the respondents have disposed of the representation of the applicant vide order 03.01.2018 (Annexure No. 1 to the CA) stating the following:-

- “1. *Centralized Employment Notice No. 03/2015 was published for selection of NTPC (Graduate level) inviting on-line application from eligible candidates fulfilling all terms and conditions as advertised in the notification.*
2. *The applicant Tej Pal Verma had applied for above said post and uploaded photograph wearing goggles / sunglasses & full body in the online application while it was instructed under para 6.01 of CEN that application with photograph wearing goggles and full body would be rejected.*
3. *The applicant had also pasted photograph wearing goggles / sunglasses & full body in 1st stage CBT (CBT1), 2nd stage CBT (CBT2) & Aptitude Test (AT). In terms of para 7.04 of CEN 03/2015, candidates were also instructed that they must bring colour photograph (of size 3.5 cm x 3.5 cm) with clear front view of the candidate without cap and sunglasses for appearing in the CBT/Examination (refer para 5.05 of CEN 03/2015).*
3. *The above named applicant was provisionally called to appear in documents verification & verification of genuineness of candidature after declared successful in 1st, 2nd Stage CBT & Aptitude Test (AT). During the course of documents verification, it has been found that the applicant had uploaded*

photograph wearing goggles / sunglasses & full body in the online application while it was instructed under para 6.01 of CEN 03/2015 that application with photograph wearing goggles and full body would be rejected. The applicant had also pasted photograph wearing goggles / sunglasses and full body in 1st stage CBT (CBT1), 2nd stage CBT (CBT2) & Aptitude Test (AT). In terms of para 7.04 of CEN 03/2015, candidates were also instructed that they must bring COLOUR photograph (of size 3.5 cm x 3.5 cm) with clear front view of the candidate without cap and sunglasses for appearing in the CBT / Examination (refer para 5.05 of CEN 038/2015. Hence candidature of the above named applicant has been rejected on this ground.”

14. Uploading the photographs with the goggles by a candidate in an examination cannot be said to be non-essential or minor mistake, since the identity of the candidate could not be recognized properly, which is necessary to prevent any malpractice in such examination. As stated in the order dated 03.01.2018, this violation has to be considered to be a serious violation of the instructions of the CEN. If such violations are allowed to be ignored, then it will lead to malpractices, impersonations, vitiating the examinations in question. Even if there are other safeguards against impersonation, but identification of the candidate through a photograph is an important method and any deviation from the instructions in this respect, has to be considered to be a serious or major deviation and as a mandatory instruction.

15. To the contention of the respondents in para 5 of the short counter, it is stated in the short rejoinder that speaking order dated 03.01.2018 has also been challenged in the OA through a subsequent amendment.

16. In OA No. 47/18 the speaking order dated 03.01.2018 in respect of one of the applicants, Gaurav Sharma, passed by the respondents mentioned the following:-

- “1. *Centralised Employment Notice No. 03/2015 was published for selection of ATPC (Graduate level) inviting on-line application from eligible candidates fulfilling all terms and conditions as advertised in the notification.*
2. *The applicant Gaurav Sharma had applied for above said post. E-call letters had been issued to the applicant for 1st stage CBT. It was instructed in the e-call letter to copy the self declaration in their own running handwriting (not in Block letters). In terms of para 7.04 of CEN 03/2015, candidates were instructed to copy the paragraph of self declaration in the RRB foil of e-call letter in their own running handwriting in presence of invigilator at the examination hall and candidates filing the para in CAPITAL letters will be rejected.*
3. *The above named applicant was provisionally called to appear in the documents verification & verification of genuineness of candidature after declared successful in 1st & 2nd stage CBT. During the course of documents verification, it has been found that the applicant had written self declaration in block letters (in capital) in the RRB foil of e-call letter in 1st stage CBT (CBT1) whereas the*

applicant was instructed through e-call to copy the self declaration in their own running handwriting (not in Block letters). In terms of para 7.04 of CEN 03/2015, candidates were instructed to copy the self declaration in the RRB foil of e-call letter in their own running hand writing in presence of invigilator at the examination hall and candidates filling the para in CAPITAL letters will be rejected. As such the applicant had not followed the instruction given in para 7.04 of CEN 03/2015. Hence candidature of above named applicant has been rejected on this ground.

This disposes of representation dated 13.11.2017 of above named applicant in compliance of Hon'ble Tribunal's order dated 01.12.2017 passed in OA No. 330/1463/2017."

17. In this case, there is a violation of the instructions, since the applicants have written self declaration in capital letters, thus violating the instructions in para 7.04 of the CEN instructing the candidates to write this self declaration in own running handwriting. Apparently, the purpose of these instructions is to prevent impersonation, which can be checked through other means like matching of the photograph (since in this case the correct photograph has been uploaded correctly) and matching of signatures etc. There is no other violation of the instructions by the applicants. Mistakes in this OA are similar to the case of Neeraj Kumar (supra) as discussed above. Therefore, the facts of this OA are squarely covered under the judgments discussed above. Accordingly, the OA 47/18 is allowed, the impugned orders dated 1.12.2017 and 03.01.2018 are set aside and quashed and the respondents are directed to consider the case of the applicants in OA 47/18 as per the rules.

18. In view of the above as well as the discussions in para 14 of this order, we do not find any justification to interfere with the decision of the respondents in the OA No. 46/18, since the mistake committed by the applicant by uploading his photograph in violation to the instructions of the CEN, cannot be considered to be a minor and non-essential mistake or lapse. Therefore, the OA No. 46/18 is dismissed.

19. Accordingly, the OA No. 46/18 is dismissed and the OA No. 47/18 is allowed in terms of the para 17 above. There will no order as to costs.

(**Gokul Chandra Pati**)
Member (A)

/pc/

(**Dr. Murtaza Ali**)
Member (J)