

**Central Administrative Tribunal
Principal Bench, New Delhi**

Order Reserved on: 05.05.2016
Order Pronounced on: 03.06.2016

OA No. 4394/2012

**Hon'ble Dr. B.K. Sinha, Member (A)
Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Solinder Kumar Tomar,
S/o Raghubir Singh,
R/o House No. B-179,
Near Shiv Mandir,
Seemapuri, Delhi-110095 - Applicant

(By Advocate: Mr. Yogesh Mahur for Mr. Gyanendra Singh)

VERSUS

1. The Chairman,
Delhi Subordinate Services Selection Board,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110032

2. The Chairman,
Delhi Transport Corporation,
IP Estate Depot,
New Delhi-110001 - Respondents

(By Advocates: Ms. Neetu Mishra for Mrs. Rashmi Chopra
and Mr. Ajesh Luthra)

O R D E R

Dr. B.K. Sinha, Member (A):

The short issued involved in this case is that whether the applicant, who has appended his signature in capital letters during examination, is to be considered eligible for promotion.

2. The applicant had applied for the post of Driver in the respondent Organization – DTC and passed his written examination followed by driving skill test, but he was not invited to join his duties like others. On 16.02.2012, the applicant received a reply under RTI Act, 2005 that he could not be selected to the post of Driver despite the fact that he had secured 58 out of 100 marks in the written examination, as he had appended his signature in capital letters, instead of small letters.

3. The applicant is here against that order on the ground that he had satisfied all the requisite criteria and was eligible otherwise. The mistake is a minor one and he cannot be denied his right on the basis of this mistake. Moreover, there was no requirement in the advertisement No.003/09 as to how the signature should be made by the candidate.

4. The respondent has filed a counter affidavit admitting the submissions of the applicant in the factual matrix. The applicant had indeed obtained 58 out of 100 marks and was shortlisted for driving test, which he had cleared. However, he had incurred the following disqualification:-

“INVALID APPLICATIONS

(e) *Signatures in block capital letters in English or in different languages and different style – mode.”*

5. We have considered the pleadings of rival parties as also the documents adduced and the citations relied upon on either side and have patiently heard the arguments advanced by the learned counsels for the parties.

6. The issue having been stated in the opening para of this order, it is noted that the applicant is charged with having committed violation of clause (e) of the afore advertisement. However, the plea of the applicant is that the advertisement does not bear any such requirement that the signature should not be appended [para 5.4 of the OA]. In reply, the respondents have stated in para 51 to 5.4 that the applicant's candidature was rejected due to the reasons of invalid application as he had placed signatures in English block letters in the admit card for the written test as well as driving skill test. In this regard, the applicant has produced the order of the Tribunal dated 16.09.2011 in OA No. 3095/2010 (**Neeraj Kumar Vs. Govt. of NCT of Delhi & Ors.**) wherein the respondents have been directed to verify and compare the signatures of the applicant in that case in the original application form with his signatures in other documents available with them and if it is found genuine, declare his result and offer him appointment with all consequential benefits, except back

wages. For the sake of greater clarity, we reproduce the operative portion of the said order, which reads as under:-

"8. We have heard the learned counsel for the applicant Shri Ajesh Luthra and the learned counsel for the respondents Mrs. P.K. Gupta. As there is already two orders of a co-ordinate Bench of this Tribunal in OA 2206/2010 (supra) and OA 3789/2010 (supra) on this issue, we need not further go into the merits and details of this case as submitted by the learned counsel for the parties. We also do not find any reasons to deviate from the findings in those O.As. Accordingly, we dispose of this OA with the directions to the respondents to verify and compare the signatures of the applicant herein in the original application form with his signatures in other documents available with them and if it is found genuine, declare his result and offer him appointment as Teacher (Primary) in the MCD with all consequential benefits except back wages."

This matter was subsequently challenged by the DSSSB in WP (C) 1004/2012 and CM 2212/2012, which was disposed of with the following directions:-

"10. It is absolutely clear that the signature of the candidate is different from the manner in which his name has been written which is entirely in block capital letters in English. Therefore, in our view, it cannot be said that the respondent has signed the application in block capital letters in English.

11. Even otherwise, we are of the opinion that since the identity of the candidate could be established from his photograph on the application form as well as the photograph affixed on the roll number issued to him by the petitioners, the stipulation with regard to the invalidity of an application on the ground that the applicant's signature is in block capital letters in English is merely directory and not mandatory. The decisions cited by the learned counsel for the petitioner are clearly distinguishable.

In view of the foregoing although we have taken slightly different view as regards the first issue from that of the Tribunal, we see no reasons to interfere with the ultimate conclusion of the Tribunal.

Accordingly, the writ petition is disposed of."

7. In view of the above, we are of the considered view that the instant OA is squarely covered by the order of this Tribunal dated 16.09.2011 in OA No. 3095/2010. The instant OA is accordingly disposed of on similar terms and directions. No order as to costs.

(Jasmine Ahmed)
Member (J)

(Dr. B.K. Sinha)
Member (A)

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