

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 11.09.2018

Reserved on : 31.08.2018

OA No. 060/00663/2016

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

Gopal, aged 23 years, son of Sh. Ramphal, resident of Village Ram Nagar, Sikandar Pur, Post Office Kabdi, Tehsil & District Panipat (Group-D)

.....Applicant

BY ADVOCATE: **Sh. Ranbir Singh**

Versus

1. Union of India through Ministry of Railways, Rail Bhawan, New Delhi.
2. Chairman, Northern Railway, Railway Recruitment Cell (RRC), Lajpat Nagar-1, New Delhi-24.
3. Assistant Personnel Officer (RRC), Railway Recruitment Cell, Lajpat Nagar-I, New Delhi-110024.

.....Respondents

BY ADVOCATE: **Sh. Sanjay Pathania for Sh. L. B. Singh**

ORDER

MRS. P. GOPINATH, MEMBER(A):-

1. Respondents issued an advertisement in 2013 for Group 'D' post. The applicant applied for the same. Applicant underwent physical efficiency test and was shortlisted for document verification. On checking the status of his result, the applicant discovered that his candidature was kept on board as his case was under further examination by the

Government Examiner for Questionable Documents (GEQD). Subsequently, the applicant was declared ineligible for violation of the terms and conditions of the advertisement i.e. the specific instruction in the Employment Notification which had stated that signatures should not be put in capital letters in OMR Sheet.

2. The prayer of the applicant is for recommending his name for appointment in response to the Employment Notification

3. The applicant brings to notice judgements of Delhi High Court in Writ Petitions No.3409/2013, 3583/2013 and Punjab and Haryana High Court judgement in 21150/2013 wherein it has been held that there is no law which prohibits a person to sign in capital letters and hence such petitions were allowed.

4. The respondents in their reply statement rest their arguments on the conditions cited in the advertisement which included conditions/instructions for rejection of applications. One of the instructions was that all candidates should read all the instructions thoroughly before submitting their applications. A second instruction in para 10.7 clearly states that application without signature or signature in capital letters or with different signatures at different places would be declared invalid. The applicant, according to the respondents had violated this condition in para 12.31 of Annexure A-10 produced by the applicant wherein it has been stated that in the prescribed space, the candidate must put his full signatures in running script, not capital, in English & Hindi. It is clearly specified in the instructions laid down in the advertisement that signature in capital letters and open letters would not be accepted and such

applications would be rejected summarily. Respondents cited Punjab and Haryana High Court judgement in C.W.P. No. 13810 of 2011 in C.W.P. No. 13810 of 2011 (O&M) titled **Avtar Singh Vs. UOI & Anr.** decided on 30.09.2011, **2012 (3) SCT** where in it had been held as follows:-

“10. The Court cannot lose sight of the fact that in a public appointment, the response to such an advertisement is often overwhelming and a number of people who respond, is always far in excess of the advertised posts which in turn would lead to a cumbersome selection process. It is brought to the notice of this Court that the petitioner is not an isolated case of facing such a situation, but there are other people also whose candidature has been cancelled on the ground that their forms were not in conformity with the instructions.

11. In view of this, accepting the plea of the petitioner would be inviting a catastrophic situation where the entire selection process of the persons who have participated, would be put to a risk.

12. There is no legal infirmity pointed out in the action of the respondents and even though the demands of equity could have prevailed upon the Court, but noticing the fact that it would result in opening a pandora's-box which may jeopardize the entire selection process, I am of the opinion that no interference is warranted.

Dismissed.”

5. In Civil Appeal Nos. **8343-8344 of 2011 titled Bedanga Talukdar Vs. Sifudaullah Khan & Ors.** Decided on 28.09.2011, the Apex Court had held as follows:-

“31. In the face of such conclusions, we have little hesitation in concluding that the conclusion recorded by the High Court is contrary to the facts and materials on the record. It is settled law that there can be no relaxation in the terms and conditions contained in the advertisement unless the power of relaxation is duly reserved in the relevant rules and/or in the advertisement. Even if there is a power of relaxation in the rules, the same would still have to be specifically indicated in the advertisement. In the present case, no such rule has been brought to our notice. In such circumstances, the High Court could not have issued the impugned direction to consider the claim of respondent No.1 on the basis of identity card submitted after the selection process was over, with the publication of the select list.”

6. The above judgements clearly cover the case of the respondents as no such rule of relaxation of conditions of Employment Notice has been brought to the notice of the Bench by the applicant.

7. This is a case wherein the Examination Notice in para 21.31 had clearly informed candidates applying for the post that the signatures should be put in the prescribed space and the candidate must put his full signatures in running script, not capital, in English & Hindi. Signatures in capital letters and open letters would not be accepted and such applications would be rejected summarily. Hence, this is not a matter wherein applicant was not made aware of the conditions of making an application for the post.

8. In view of the above, we would go by the ratio of the law as laid down by the Apex Court in **Bedanga Talukdar (supra)** that the terms and conditions of recruitment were contained in the advertisement and no power of relaxation of the same was given in the advertisement. Further, as is rightly observed in **Avtar Singh (supra)**, any such relaxation given to the applicant, would be inviting a catastrophic situation of representations by similarly placed persons by which the entire selection process of the persons who have participated, would be put to a risk.

9. Further, where the advertisement for the post clearly prescribes a procedure for signature in a format, other than use of capital letters, violation of this procedure would render an applicant ineligible on account of not following the criteria laid down in the application procedure. It is not a case that applicant was not made aware of this procedure or that the rules of the game were changed after selection commenced or that the

respondents had not notified that signatures in capital letters are not acceptable. One reason for such a restriction could be that signature in capital letters may be easy to be replicated and may invite fraudulent applications or fraudulent appearance in examination.

10. Applicant who had appeared in the exam without protest cannot turn around and subsequently challenge the rules of examination. An appointment dehors the rules, and terms and conditions of examination would render the same illegal and irregular. An advertisement inviting applications laying down the procedure for proper selection gives a fair chance to all applicants to compete on an even platform, and relaxation or violation of any procedure would throw open the door for others similarly placed to seek a similar relief, thereby, creating a chaos in the selection procedure and dismantle the even platform for all the candidates applying for the post. Further, there should be a distinction between those who follow the examination procedure and are on the right side and those who violate the examination procedure and are on the wrong side.

11. For the foregoing discussion and the fact that applicant had violated the stipulated conditions for applying for the post, we find the prayer in this OA to be devoid of merit and accordingly, this OA is dismissed. No order as to costs.

**(P. GOPINATH)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

Dated:
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