

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/724/2015  
WITH  
MISC. APPLICATION NO. 291/575/2016**

Order Reserved on: 22.02.2018

**DATE OF ORDER:** 10.04.2018

**CORAM**

**HON'BLE MS. B. BHAMATHI, ADMINISTRATIVE MEMBER  
HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER**

Chhotu Ram S/o Shri Mohan Lal, aged about 23 years, R/o Village & Post Gothara Tagelan, Via Khoor, Tehsil Dhod, District Sikar. Aspirant for appointment to the post of Group-D, under North Western Railway, Jaipur.

....Applicant

Mr. C.B. Sharma, counsel for applicant.

**VERSUS**

1. Union of India through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur.
2. Chairman, Railway Recruitment Cell, North Western Railway, Power House Road, Jaipur-302006.
3. Deputy Chief Personnel Officer (Recruitment & Training) Railway Recruitment Cell, North Western Railway, Power House Road, Jaipur-302006.

....Respondents

Mr. P.K. Sharma, counsel for respondents.

**ORDER**

**Per: Suresh Kumar Monga, Judicial Member**

The pleaded case of the applicant herein is that the North Western Railway, Jaipur had issued an Employment Notice No. 03/2013 (GP-1800 RRC NWR) dated 14.12.2013 for recruitment of candidates against Group 'D' posts in various categories. Out of the vacancies advertised, 248 vacancies were meant for OBC category. Pursuant to said notification / advertisement, the

applicant herein had submitted his application with the respondents and he was issued a call letter to appear in written examination scheduled to be conducted on 23.11.2014. He appeared in the said written examination on the scheduled date and qualified the same. Thereafter, he was called for a Physical Efficiency Test on 25.02.2015 and he remained successful in the said test also. After qualifying the said two tests, the applicant was called for document verification on 25.05.2015. It has further been averred by the applicant that the respondent nos. 2 & 3, without there being any basis, had disputed the OBC certificate produced by him during the process of document verification and declared the result on 06.10.2015 in which he was illegally and arbitrarily treated as a candidate in unreserved category instead of OBC category. Since he secured more marks than the cut off in the OBC category, therefore, he was fully entitled to get the appointment. On enquiry, it was verbally divulged to him that because of mis-match of dispatch number on the OBC certificate, his candidature has been cancelled. It is the case of the applicant that the proper document verification was not done by the respondents in order to give benefit to other candidates, who are lower in merit in OBC category. Feeling aggrieved, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs: -

"(i). That the respondents be directed to provide appointment to the applicant with due benefits from the date other candidates of OBC category lower in merit allowed appointment by quashing result dated 06.10.2015 (Annexure A/1) in respect of applicant and

applicant be declared passed in OBC category with all consequential benefits.

- (ii) That the respondent be further directed not to put the OBC certificate in dispute and if any shortcoming, the same may be completed / rectified in the interest of justice.
- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. The respondents by way of filing a joint reply have joined the defence and opposed the claim of the applicant. It has been pleaded by the respondents that the applicant appeared on 09.05.2015 for document verification before the Railway Recruitment Cell and during the process of document verification, serial number of OBC certificate entered in online form was compared with the original certificate and it was found that in column no. 10 of online application form, the applicant filled OBC certificate number as 2316. However, the applicant failed to produce the OBC certificate of referred serial number. Therefore, he was treated as general category candidate. It has further been pleaded by the respondents that the applicant was orally informed that he has been treated as general category candidate as he could not produce the OBC certificate of the number which was mentioned in the online application form submitted by him. Since the applicant was low in merit in the general category, therefore, he could not be placed in the list of

selected candidates. With all these assertions, the respondents have prayed for dismissal of the O.A.

3. The applicant, while filing replication to reply, apart from reiterating the facts pleaded in the OA, further pleaded that during the process of document verification, he submitted OBC certificate bearing number 2396 in original and because of the discrepancy in certificate number as per online application form, the respondents have erroneously treated his candidature against general category candidates. Though, he had shown the original document, but because of the inadvertent error in the online application form, regarding which he was also not having knowledge, his candidature has been wrongly rejected and he has been treated in the general category.

4. Heard learned counsel for the parties.

5. Learned counsel for the applicant while drawing our attention to Annexure A/2, the OBC certificate issued by the competent authority, submitted that the applicant had produced the said certificate in original before the Railway Recruitment Cell during the process of document verification. On the said certificate, the competent authority had mentioned the dispatch number as 2396 and the said dispatch number even if inadvertently referred as 2316 in online application form, cannot defeat his claim to have considered his candidature against the post reserved for OBC category. The genuineness of the certificate could have been verified from the competent authority who had issued the said certificate. He further argued that instead of making verification of said document from the issuing authority, the respondents-authorities verbally rejected the candidature of the

applicant in OBC category and considered the same in general category. Learned counsel further argued that such an arbitrary action of the respondents cannot be sustained and they are liable to consider the applicant's candidature against the posts meant for OBC category.

6. Per contra, learned counsel for the respondents contended that the applicant failed to supply the correct particulars with regard to his OBC certificate while submitting his online application. He, instead of referring his OBC certificate number 2396, had referred the same as 2316 in column number 10 of the online application form and since during the process of document verification, he failed to produce the OBC certificate of referred serial number, therefore, the respondents have rightly declined to consider his candidature against the OBC category. His candidature was considered in general category and since he was low in merit in the said category, therefore, no appointment can be offered to him. To support his contention, he placed reliance upon a judgment of the Hon'ble Supreme Court in the case of Union of India & Anr. Vs. Sarwan Ram & Anr. (Special Leave to Appeal (C) No. 706/2014) decided on 08.10.2014.

7. Considered the rival contentions of learned counsels for the parties and perused the record.

8. Admittedly, the applicant has qualified the written test and the Physical Efficiency Test conducted by the respondents in the recruitment process for Group 'D' posts advertised on 14.12.2013. The applicant staked his claim against the post reserved for OBC category. The fact pleaded by the applicant that he has secured more marks than the cut off in the OBC

category has also not been disputed by the respondents. His candidature against the OBC category post has been rejected solely on the ground that in the online application form, he had referred OBC certificate number 2316 instead of 2396, which was mentioned in the certificate produced by him during the process of document verification. No order in writing declining the applicant's candidature against OBC category was passed. The certificate produced in original by the applicant during the process of document verification has been ignored through oral communication without verifying the veracity of the said document from the issuing authority. A perusal of copy of the said OBC certificate, produced as Annexure A/2 with the O.A., divulges that the said certificate has been issued by the competent authority at Sikar and the same carries a dispatch number as 2396. It is not the case of the respondents that the applicant has forged the said certificate. Simply because of an inadvertent error, if the applicant has mentioned the number of said certificate as 2316 instead of 2396, the claim of the applicant to have appointment against the reserved category post cannot be declined. If the respondents had some doubt with regard to the OBC certificate produced by the applicant, they could have verified the genuineness of the same from the competent authority who issued the said certificate.

9. So far as the judgment of Hon'ble Supreme Court in the case of Union of India & Anr. Vs. Sarwan Ram & Anr. (supra) relied upon by the learned counsel for the respondents is concerned, the same cannot be applied in the facts and circumstances of the present case. In the said case, the Hon'ble Supreme Court had an occasion to deal with the situation where a candidate while

submitting his application form had failed to paste his photograph in military uniform along with his application form and his application was found to be defective and the same was rejected by the recruitment agency. An argument on behalf of the recruitment agency was raised before the Hon'ble Supreme Court that it came to the notice of the authorities that bogus persons by enclosing fake certificates have started getting recruitment and in order to eliminate the possibility of any bogus persons to get such recruitment, a condition was introduced to paste photograph in military uniform on the application form. Eventually, the candidate who was arrayed as respondent before the Hon'ble Supreme Court in the said case, even did not appear during the course of hearing and failed to dispute the stand taken on behalf of the recruitment agency. In those circumstances, the Hon'ble Supreme Court had observed that it was not open to the High Court to direct the authorities to consider the case of the candidate arrayed as respondent no. 1 for appointment, sitting in appeal over the scrutiny of application by referring to certain certificate of length of service. We find that the facts and circumstances of the instant case are entirely different and, therefore, the reliance made by the learned counsel for the respondents over the judgment of Hon'ble Supreme Court in the case of Union of India & Anr. Vs. Sarwan Ram & Anr. (supra) is mis-placed.

10. In the conspectus of discussions made in the foregoing paras, we are of the considered view that the action of the respondents while rejecting the candidature of the applicant against the post reserved for OBC category and considering him

against the post meant for general category is illegal and the same cannot be sustained.

11. Accordingly, the instant Original Application is allowed. The respondents are directed to verify the genuineness of OBC certificate (Annexure A/2) from its issuing authority and after getting the same verified, consider the applicant's candidature in OBC category for appointment on Group 'D' post advertised through Employment Notice No. 03/2013 (GP-1800 RRC NWR) dated 14.12.2013. If the applicant is otherwise found eligible to hold the post then issue him appointment letter for the said post. Further direction is issued to the respondents to undertake the whole exercise within a period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

12. In view of the order passed in the Original Application, the Misc. Application No. 291/575/2016 for vacation of I.R. is rendered infructuous and, accordingly, the same is disposed of.

**(SURESH KUMAR MONGA)  
JUDICIAL MEMBER**

**(B. BHAMATHI)  
ADMINISTRATIVE MEMBER**