

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/367/2016
with
MISC. APPLICATION NO. 291/191/2018**

Order Reserved on: 24.07.2018

DATE OF ORDER: 02.08.2018

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Gopal Lal Kumawat S/o Shri Hanuman Lal Kumawat, age around 25 years, R/o Dhani Kanderiyan Village & Post Dhindha, Via Jobner, Teh. Phulera, District Jaipur.

Mr. Mukesh Agarwal : counsel for applicant.Applicant

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jawahar Circle, Jaipur.
2. Chairman, Railway Recruitment Cell, North Western Railway, Power House Road, Jaipur.
3. Assistant Personnel Officer (Recruitment), Railway Recruitment Cell, North Western Railway, Power House Road, Jaipur.

Mr. Y.K. Sharma : counsel for respondents.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. 03/2003 (GP-1800 RRC NWR) dated 14.12.2013 for recruitment of the candidates against Group 'D' posts in various categories. The respondents also provided the facility of submission of on-line application to the candidates. As per the terms of Para-7 of the advertisement, the minimum qualification prescribed for

recruitment was 10th pass / ITI or equivalent qualification. The candidates having higher qualification were also permitted to apply for the posts advertised. It has further been averred that pursuant to said Employment Notice, the applicant being fully eligible under OBC category had submitted his on-line application form and staked his claim against one of the posts. However, because of an inadvertent error, while filling up the on-line application form, he mentioned serial number 019510 of Senior Secondary Examination Mark-sheet in column-11 instead of mentioning the serial number 0329080 of Secondary School Examination Mark-sheet (Certificate). The applicant was permitted to appear in the written examination held on 30.11.2014 and he successfully qualified the same. He was also permitted to appear in the Physical Examination Test held on 27.02.2015. He qualified the said test as well. Thereafter, he was called for documents verification on 07.05.2015 and during the process of verification of original documents, it was pointed out that the serial number of Secondary School Examination Mark-sheet does not tally with the serial number mentioned in the on-line application form submitted by the applicant. The applicant requested the respondents for making necessary corrections in their record as due to an inadvertent error he had mentioned the serial number of Senior Secondary Examination Mark-sheet instead of Secondary School Examination Mark-sheet. Since the applicant did not receive any information regarding medical examination for appointment, therefore, he submitted an application before the respondents under Right to Information Act seeking information with regard to the action taken by them. Pursuant thereto, the respondents issued a letter dated 20.11.2015 informing the applicant that there is no

provision to correct the information furnished by him and his candidature stands cancelled in terms of Para 17.7 of the Employment Notice. Subsequently, a letter dated 07.12.2015 (Annexure A/1) was issued by the respondents and the applicant was informed that during the process of verification of documents, it has been found in his application form that in place of serial number of requisite educational document, the serial number of other educational document has been mentioned and, therefore, his candidature has been rejected. Aggrieved by the order dated 07.12.2015 (Annexure A/1), the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

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 that in the case of on-line application forms, no documents/certificates were required to be annexed along with the application forms and it was not possible to verify the veracity of details/particulars given in the on-line application form and the candidates were allowed to participate in the selection process treating the details/information furnished by them as correct. The information supplied by a candidate is verified at the time of the process of documents verification. It has further been averred that as per the on-line application form submitted by the applicant, he mentioned the serial number of the Secondary Examination certificate as 019510. However, during verification of documents, the serial number of the certificate as mentioned in the on-line application form did not tally with the Secondary and ITI examination certificates produced by the applicant. The mark-sheet of Secondary School

Examination from Board of Secondary Education, Rajasthan, Ajmer produced by the applicant carried the serial number 0329080 and in such circumstances as per instructions contained in Para 17.7 of the advertisement dated 14.12.2013, the candidature of the applicant was rejected. With all these assertions, the respondents have prayed for dismissal of the O.A.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submitted that it was an inadvertent error because of which the applicant, in his on-line application form, had filled up the serial number of his Senior Secondary Examination Mark-sheet. He further submitted that the applicant produced both the certificates before the respondents at the time of process of documents verification and requested them to carry out the necessary corrections in their record. He further submitted that it is not a case where the veracity of the documents produced by the applicant was disputed by the respondents having been obtained fraudulently. He further argued that the genuineness of the certificates produced by the applicant can always be verified from the competent authority who had issued the said certificates. Learned counsel for the applicant placed reliance upon the order dated 10.04.2018 passed by this Tribunal in O.A. No. 724/2015 (**Chhotu Ram vs. Union of India & Ors.**) and contended that the action of the respondents rejecting the candidature of the applicant is arbitrary and, thus, the order dated 07.12.2015 (Annexure A/1) cannot be sustained.

5. Per contra, learned counsel for the respondents contended that the applicant failed to supply the correct particulars with regard to certificates of his educational qualification while submitting his on-line application form. The serial number of certificate of Secondary School Examination as produced by him during the process of documents verification did not tally with the serial number as filled up by him in the on-line application form and, therefore, the respondents have rightly rejected his candidature. Learned counsel for the respondents 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.

6. Considered the rival contentions of the learned counsel for the parties and perused the record.

7. Admittedly, the applicant had qualified the written test and Physical Efficiency Test conducted by the respondents in the recruitment process for Group 'D' posts advertised vide Employment Notice dated 14.12.2013. The candidature of the applicant has been rejected solely on the ground that the serial number of Secondary School Examination produced by him during the process of documents verification did not tally with the serial number as mentioned by him in the on-line application form. A perusal of the record reveals that the applicant, while filling up column no. 11 of the on-line application form, has mentioned the serial/certificate no. 019510 with date of issue as 18th May 2009. The said serial number as filled up in the on-line application form submitted by the applicant tallies with his Senior Secondary Examination Mark-sheet, which is placed on

record as Annexure A/3. It was an inadvertent error on his part that he instead of mentioning the serial number of Secondary School Examination Mark-sheet in column-11 of the on-line application form, mentioned the serial number of Senior Secondary Examination Mark-sheet. The fact that both the mark-sheets in original were produced by the applicant before the respondents during the process of documents verification has not been disputed by the respondents while filing their reply to the Original Application. The genuineness of the mark-sheets of Senior Secondary Examination and Secondary School Examination produced by the applicant before the respondents has also not been questioned by them. An identical controversy was examined by this Tribunal while deciding O.A. No. 724/2015 (**Chhotu Ram vs. Union of India & Ors.**) vide order dated 10.04.2018 and it was held that simply because of an inadvertent error, if a candidate has mentioned the incorrect serial number of his certificate, his claim to seek appointment only on this ground cannot be declined. It was also held that if the respondents have some doubt with regard to the certificate produced by a candidate, they can always get the same verified from the issuing authority of the document. A Division Bench of the Hon'ble High Court of Rajasthan at Jaipur had also an occasion to examine an identical controversy in the case of **Satyveer vs. Assistant Personnel Officer (Recruitment), NWR, Jaipur** (D.B. Civil Writ Petition No. 1083/2015) wherein a candidate while filling up his application form, had indicated his incorrect date of birth and the Hon'ble High Court has taken a view that every human error of a kind, as in the said case, cannot be considered to be a deemed irregularity. The judgment of the 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 was also considered by this Tribunal in the case of **Chhotu Ram vs. Union of India & Ors.** (supra) as well as by the Hon'ble High Court of Rajasthan in the case of **Satyveer vs. Assistant Personnel Officer (Recruitment), NWR, Jaipur** (supra) and the same was found to be of no assistance in the facts and circumstances of the said cases.

8. In the facts and circumstances of the case in hand, we are of the considered view that by filling up the serial number of Senior Secondary Examination mark-sheet instead of Secondary School Examination mark-sheet in the on-line application form, the applicant had no intention to have an undue advantage to seek employment from the respondents.

9. In the conspectus of discussions made hereinabove, the order dated 07.12.2015 (Annexure A/1) cannot be sustained and the same deserves to be set aside.

10. Accordingly, the instant Original Application is allowed. The order dated 07.12.2015 (Annexure A/1) is hereby quashed. The respondents are directed to process the applicant's candidature for recruitment on Group 'D' post advertised through Employment Notice No. 03/2013 (GP-1800 RRC NWR) dated 14.12.2013 and if the applicant is otherwise found eligible as per his merit then offer him appointment on one of the posts within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

11. In view of the order passed in the Original Application, the Misc. Application No. 291/191/2018 for vacation of I.R. is rendered infructuous and, accordingly, the same is disposed of.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat