

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/407/2017

Order Reserved on: 18.12.2018

DATE OF ORDER: 30.01.2019

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MS. ARADHANA JOHRI, ADMINISTRATIVE MEMBER**

Prahlad Sahai Yadav S/o Shri Balu Ram Yadav, aged 25 years, R/o Police Lines, Police Commissionerate, Jodhpur (Raj.).

....Applicant

Mr. Jog Singh Bhati, counsel for applicant.

VERSUS

1. Union of India, through the Chairman, Railway Recruitment Board, Ministry of Railways, Govt. of India, New Delhi.
2. The Chairman, Railway Recruitment Board, Ministry of Railways, North Western Railways, Ajmer (Raj.).

....Respondents

Mr. Kamal Dave, counsel for respondents.

ORDER

Per: SURESH KUMAR MONGA, JUDICIAL MEMBER

The pleaded case of the applicant herein is that the Railway Recruitment Board, North Western Railways, Ajmer had issued an Employment Notice bearing No. 03/2015 for recruitment of candidates on various posts including the posts of Assistant Station Master (WCR) and Goods Guard (NWR). The employees

already working in different departments of the Government aspiring for selection pursuant to said Employment Notice, do not get any relaxation or benefit in the selection process. Only a 'No Objection Certificate' is required to be submitted at the time of process of document verification, which is conducted by the respondents at the last stage of the whole selection process. The applicant who is serving in Rajasthan Police as Constable applied for 08 different posts including the post of Goods Guard and Assistant Station Master. While submitting his online application, he tried to press radio button as 'yes', but the same was recorded as 'no' against column no. 19 meant for Government/PSU employees. It has further been averred by the applicant that after submitting his online application, he also applied for getting 'No Objection Certificate' to Rajasthan Police and the said certificate was issued to him permitting him to appear in the RRB Examination-2016. He was called for written examination and qualified the same by securing 76.58 marks and, thereafter, he was called for document verification by the respondents. He submitted all his original documents and the 'No Objection Certificate' issued by the Rajasthan Police. After verification of said documents by the respondents, they directed the applicant to wait for final result and merit of the selection process. However, when the final selection list was issued on 24.11.2017, his name did not find mention in the list of selected candidates. Aggrieved by the said action of the respondents, the applicant has preferred the present Original Application while invoking 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 set up by the applicant in his Original Application. It has been averred that the Centralized Employment Notice No. 03/2015 was published on 26.12.2015 inviting applications from the candidates for recruitment on various posts. In the present case, the applicant furnished a wrong information in column no. 19 and he opted to say 'no' instead of 'yes' and as such he furnished a wrong information as admittedly he is working as a Constable in Rajasthan Police. It has further been averred that in terms of Clause 13 of the Employment Notice, an opportunity is also provided to candidates for modification in application on furnishing an additional fee of Rs. 100/-. Since the applicant did not even avail that opportunity and opted to give a false information, therefore, the respondents have rejected his candidature. With all these assertions, the respondents have prayed for dismissal of the Original Application.

3. Heard learned counsels for the parties.

4. Learned counsel for the applicant submitted that it was an inadvertent error that the applicant, while filling up Column 19 of the online application form, stated 'no' instead of 'yes'. The applicant has not derived any undue advantage of said error since the Rajasthan Police issued a 'No Objection Certificate', which was produced in original during the process of documents verification and, therefore, the applicant's candidature could not have been cancelled by the respondents.

5. Per contra, learned counsel for the respondents submitted that as per stipulation contained in the Employment Notice, every candidate was required to furnish correct information while submitting his on-line application. Since the applicant failed to supply the correct information, and even he did not avail the opportunity to rectify the said mistake by furnishing an additional fee of Rs. 100/- in terms of Clause 13 of the Employment Notice, therefore, the respondents are within their right to cancel his candidature.

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

7. Admittedly, the applicant is an employee of Rajasthan Police. While submitting his on-line application, he was required to say 'yes' against column no. 19 wherein the information with regard to his employer was required by the respondents. The respondents, while keeping in view the fact that the candidate may commit an error while submitting his online application, in the Employment Notice itself, gave an opportunity to such candidate to rectify the said mistake/error by furnishing an additional fee of Rs. 100/-. Though, the said opportunity was available with the applicant to rectify his aforesaid mistake but still he failed to avail the said opportunity. We do not see any reason with the applicant for not availing the said opportunity. Admittedly, in terms of the stipulations contained in the Employment Notice itself, the candidature of a candidate, who furnishes false information while submitting his online application, can be rejected by the respondents. In this view of

the matter, we do not see any infirmity in the respondents' action while rejecting the applicant's candidature. The present Original Application, thus, sans merit and the same deserves to be dismissed.

8. Accordingly, the present Original Application is hereby dismissed. However, there shall be no order as to costs.

**(ARADHANA JOHRI)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

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