

Date of Decision : 25th October, 2010

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DEEPAK YADAV Petitioner
Through : Mr. Bhagwati Yadav, Adv.

versus

UOI AND ORS Respondents
Through : Mr. A.K. Bhardwaj, Adv.

CORAM :-**HON'BLE MS. JUSTICE GITA MITTAL****HON'BLE MR. JUSTICE J.R. MIDHA**

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | NO |
| 2. | To be referred to the Reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

GITA MITTAL, J. (Oral)

1. The writ petitioner has challenged the rejection of his candidature for appointment to the post of Constable/GD to the Central Reserve Police Force ('CRPF' hereafter) on the 24th of September, 2010 by way of the present writ petition.
2. Mr. A.K. Bhardwaj, learned counsel for the respondents appearing on advance notice has produced the original record relating to the petitioner which includes his application, board proceedings as well as comments on the writ petition.

3. A grievance has been made in the writ petition that pursuant to an advertisement dated 1st August, 2010, the petitioner had submitted an application for appointment to the post of Constable/GD on 17th August, 2010. The writ petitioner contends that he had submitted all “required documents” with the application form and was called for the physical test which was to be conducted on 24th September, 2010 at the 89th Battalion Ground at Bawana, Delhi. The petitioner claims to have successfully completed all requirements of the physical test and that he also showed all the “necessary documents and their photocopies” except the photocopy of the migration certificate. The petitioner claims to have produced the original of the migration certificate also before the Selection Committee on the same date.

4. The petitioner alleges that he was required by the respondents to get a photocopy of the migration certificate prepared and for this purpose, he had left the 89th Battalion, CRPF and returned within five minutes of his departure with the photocopy. The prayer of the petitioner is premised on his contention that he had successfully completed the race of 5 kms. Allegations have been levelled against one, Shri Pardeep Singh Sabharwal who was involved in the selection process, who according to the petitioner did not permit re-entry and completion of the selection process.

Because of the obstructions, caused by Shri Pardeep Singh Sabharwal, the petitioner claims to have been wrongly

disqualified whereupon the petitioner had complained to the local police in this regard. The petitioner places reliance on a written representation dated 25th September, 2010 apparently submitted by him to the Director General of the CRPF as well as to the DIG, Sanjayranjan Ojha concerned with the recruitment cell of the CRPF in support of his contentions.

6. We have heard learned counsel for the petitioner and also perused the original record produced by the respondents before us. We find that the advertisement which was published by the respondents in the Mahanagar dated 23rd July, 2010 as well as in the Employment News clearly notified the candidates to the following effect:-

“12. No documents/testimonials/ caste certificates etc are to be sent with the application form. However, when the candidate report at the venue on the date and time for recruitment process, he/she should bring the documents in original along with one attested photocopy of the same as mentioned in para-8(iii) of information booklet.”

7. So far as the details of the documents which the candidates were required to produce are concerned, the candidates stood notified that they were required to produce, inter alia, the matriculation certificate as proof of their age. Furthermore, in view of the above stipulation, there was no requirement for submission of any documents with the application form. The original application of the petitioner

which has been produced for re-examination also does not include any enclosure thereto.

8. The Board proceedings conducted between 20th September, 2010 to 1st October, 2010 have been placed before us. It appears that the petitioner was unable to produce the original matriculation certificate at the time of examination of his application and his candidature was rejected for this reason. The respondents have rejected not only the petitioner but a total of 32 candidates who were similarly placed.

9. The instructions which were duly notified to the candidates in the Employment News as well as the instruction booklet which was made available along with the application form, clearly disclosed that the candidates were required to produce not only the original matriculation certificate but also an attested photocopy of the same. Therefore, even if the petitioner was to be believed, he did not have the attested photocopy with him.

10. The contentions of the petitioner in the writ petition are belied by the nature of allegations which have been made in the representation dated 27th September, 2010. The petitioner in the representation dated 25th/27th September, 2010 has made allegations of his being asked for bribe by the aforenoticed CRPF personnel for selection and contended that unparliamentary language was used against him. No such allegation is to be found in the writ petition. The above

narration of the facts would show that the assertions made by the petitioner are incorrect and legally untenable.

11. There is nothing on record which even remotely supports the petitioner's contention that the recruitment process was not conducted in a fair manner.

12. For all the foregoing reasons, we find no merit in the writ petition which is hereby dismissed.

GITA MITTAL, J

J.R. MIDHA, J

OCTOBER 25, 2010

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