

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) Nos.3409/2013**

% **Date of decision: 30th May, 2013**

ARIF Petitioner

Through: Ms. Seema Sharma, Adv.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Himanshu Bajaj, Adv. for R1.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
30.05.2013

GITA MITTAL, J (Oral)

1. With the consent of both the sides, this writ petition is taken up for hearing. A short issue which arises in this case is as to whether the petitioner, whose signatures are entirely in capital letters in English can be denied appointment to the post of Constable(GD) in the Central Armed forces i.e BSF, CISF, CRPF, SSB etc.

2. This issue has been dealt with earlier vide a pronouncement dated 24th February, 2012 in *W.P.(C) 1004/2012 titled as Delhi Subordinate Services Selection Board and Another v. Neeraj Kumar and Another.*

3. A similar issue thereafter was decided in favour of the writ petitioner in

W.P.(C). 6959/2012 vide an order dated 5th November, 2012 titled as *Bittoo v. Union of India and another*. The order dated 4th December, 2012 in *W.P.(C) 7158/2012 titled AS Pawan Kumar v. Union of India and another* deals with the same issue and was also decided in favour of writ petitioner.

4. In this background, there is no dispute to the material facts with regard to this issue. The adjudication in the above noted judgments and orders would guide adjudication of the present matter as well. It is well settled that there is no law which prohibits a person to sign in capital letters. It has been held in the judgment of this court in *Pawan Kumar (supra)* that a signature is a trait which a person develops over a period of time and these traits can develop even with reference to capital letters.

5. So far as the present petitioner is concerned, his entire signatures consists of the four letters which constitute his name “**ARIF**”. The petitioner writes the letter ‘**A**’, ‘**R**’ and ‘**F**’ in capital letters while the letter ‘**I**’ is in running hands.

6. For the reasons recorded in the judgments and orders as mentioned the para Nos. 2 and 3 above, we are of the view that the writ petitioner cannot be denied consideration for appointment if otherwise eligible for the appointment to the post of Constable in the CISF on the ground that the candidature of the petitioner was rejected mainly due to his signatures being done in English

capital letters as has been informed to him by the respondents vide communication dated 2nd May, 2013 in response to a query under Right to Information Act by the petitioner vide an RTI request dated 5th April, 2013.

7. In this background and light of facts as mentioned above, the writ petition is allowed with the following directions to the respondents :-

- (i) The respondents shall treat the petitioner's application and shall consider the petitioner's entitlement to selection and appointment as a Constable (GD) in the Central Armed Police Force keeping in view his merit position in the Selection List and any other criteria as is applicable in the instant case; and
- (ii) The respondents shall ensure that all necessary steps towards this purpose are completed within a period of six weeks from today and would be conveyed to the petitioner.

8. This writ petition is allowed in the above terms.

9. *Dasti.*

GITA MITTAL, J

DEEPA SHARMA, J

MAY 30, 2013

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