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

+ W.P.(C) 3583/2013

% Date of decision: 30th May, 2013

BHAGAT SINGH Petitioner
Through : Mr. Shanker Chhabra, Adv.

versus

UNION OF INDIA & ORS. Respondent
Through : Mr. Ankur Chhiber and Ms.Aakriti
Jain, Advocates for UOI.

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
30.05.2013

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GITA MITTAL, J (Oral)

CM No. 6713/2013 (Exemption)

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3583/2013

1. With the consent of both the sides, this writ petition is taken up for hearing.

2. The instant case relates to selection as a Constable(GD) in the Central Armed Police Forces pursuant to an advertisement issued in 2012. There appears to be an error in the typing of the year in the date of the impugned Memorandum. The year thereof has been wrongly mentioned as '2012' instead of '2013'. The error is apparent inasmuch as the said communication has been issued with regard to a Selection Process conducted in August, 2012.

3. Vide the instant petition, the petitioner has impugned this Memorandum dated 15th March, 2013(wrongly mentioned as 15th March, 2012) vide which the petitioner's candidature for the post of Constable (GD) in the ITBPF was cancelled on the ground that upon scrutiny of the documents, the respondents found that the petitioner has signed in capital letters of English which was not permissible as per notice of the examination.

4. It is submitted that the issues raised in the instant writ petition are squarely covered by the judicial pronouncements of this court in the following cases and that the instant petition can be disposed of in the light and the reasons recorded therein. :-

(i) Decision dated 24th February, 2012 in W.P.(C) No. 1004/2012 titled as Delhi Subordinate Services Selection Board and Another v. Neeraj Kumar and Another.

(ii) Decision dated 5th November, 2012 in W.P. (C) No. 6959/2012 titled as Bittoo v. Union of India and another.

(iii) Decision dated 4th December, 2012 in W.P.(C) No. 7158/2012 titled as Pawan Kumar and Union of India and another.

5. We find there is no dispute to the material facts. The impugned order sets out the above reason for the same. The adjudication in the above noted judgments and orders would guide adjudication of the present matter as well.

6. It is well settled that there is no law which prohibits a person to sign in capital letters. As observed in ***Pawan Kumar (supra)***, 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.

7. For the reasons recorded in the judgments and orders as mentioned

above, we are of the view that the writ petitioner cannot be denied consideration for appointment, and if otherwise eligible for the appointment, to the post of Constable (GD) in the ITBPF on the ground his signatures have been done in English capital letters.

8. In this background and in the light of the facts as mentioned above, while setting aside the Memorandum dated 15th March, 2013 (wrongly written as '2012'), we allow the writ petition with the following directions to the respondents:-

- (i) The respondents shall treat the petitioner's application as valid and shall consider the petitioner's entitlement to selection and appointment as a Constable (GD) in ITBPF 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 the necessary steps towards this purpose are completed within a period of six weeks from today and would be conveyed to the petitioner accordingly.

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

10. *Dasti.*

CM No. 6712/2013

In view of the order passed in the writ petition, this application is rendered infructuous and disposed of accordingly.

GITA MITTAL, J

DEEPA SHARMA, J

MAY 30, 2013
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