

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

Date of Decision: November 13, 2017

+ **W.P.(C) 9978/2017 & CMs 40703-40705/2017**

SUNIL SAINI

..... Petitioner

Through: Mr. A.K. De and Ms. Ananya De,
Advocates

versus

FOOD CORPORATION OF INDIA

..... Respondent

Through: Mr. Manoj, Standing Counsel and
Ms. Aparna Sinha, Advocate for FCI

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

1. Petitioner had applied for the post of Assistant General Manager (Law), advertised by respondent and according to petitioner, it was disclosed on respondent's website on 21st April, 2016 that petitioner has been shortlisted provisionally for the said post and 'offer of appointment' will follow shortly. Petitioner claims that despite various representations, he has not been given 'offer of appointment' and hence this petition.

2. Learned counsel for petitioner draws the attention of this Court to respondent's E-Mail of 7th September, 2016 (*Annexure P-5*) to submit that respondent had sought certain information including clarification regarding the *vakalatnamas* submitted by petitioner to indicate his work experience. Attention is also drawn by petitioner's counsel to E-Mail of

14th March, 2017 (*Annexure P-7*) sent by petitioner to respondent clarifying that in the *vakalatnamas* furnished, he had used initials/half signatures, whereas in the Application Form for the post in question, he had put his full signatures. Vide Communication of 3rd May, 2017 (*Annexure P-8*) respondent had rejected petitioner's representation of 14th March, 2017 (*Annexure P-7*) by a cryptic order.

3. Petitioner's counsel relies upon certain information obtained under the RTI Act (*Annexure P-9 colly.*) to show that the Committee constituted for document verification [*vakalatnamas of the candidates for the post of Assistant General Manager (Legal)*] has opined that the findings appear to be in consonance with the Recruitment Notice. Attention of this Court is also drawn by petitioner's counsel to information under RTI (*Annexure P-9*) to show that in the Select List, petitioner was at Sl.No.2 out of three selected candidates with two waitlist candidates for the OBC category.

4. At the outset, learned counsel for respondent clarifies that non-submission of '*No Objection Certificate*' is not a ground for rejection of petitioner's candidature. He informs that one candidate from the waitlist of OBC category has been appointed in place of petitioner few months back. It is pointed out that petitioner had not given supporting documents, like the orders passed in the cases in which he had appeared, to clear the controversy regarding *vakalatnamas*. So, it is submitted by respondent's counsel that this petition deserves to be rejected.

5. Upon hearing and on perusal of order of 3rd May, 2017 (*Annexure P-8*), I find that petitioner's representation has been cryptically rejected, which is unwarranted in view of fact that petitioner is shown to be at Sl.

No. 2 in the Select List. So far as mis-matching of signatures on *vakalatnamas* is concerned, I find that this aspect cannot be blown out of proportion as it is expected that respondent ought to have called upon petitioner to provide the certified copies of orders to allay the apprehension of mis-matching of signatures on the *vakalatnamas*. This would have clinched the issue of mis-matching of petitioner's signatures on *vakalatnamas* in question. Such a view is taken in view of the fact that the Committee constituted for the document verification vis-à-vis *vakalatnamas* had opined that the petitioner's qualification is in consonance with the Recruitment Notice. There is nothing on record to show as to why the opinion of the Committee was overruled while rejecting petitioner's candidature on the ground of mis-matching of signatures on the *vakalatnamas* vis-a-vis recruitment relating documents.

6. During the course of hearing, it was brought to the notice of this Court that this was petitioner's last chance to apply for the post in question. Taking a compassionate view, this Court directs the respondent to re-consider petitioner's representation of 29th May, 2017 (*Annexure P-10*) provided petitioner supplies the certified copies of the orders passed in relation to the *vakalatnamas* furnished to respondent, within four weeks. If it is so done, then respondent shall decide petitioner's representation (*Annexure P-10*) afresh by passing a speaking order within six weeks of receipt of certified copies of orders in question and the fate of the representation be conveyed to petitioner within two weeks thereafter, to enable petitioner to have recourse to law, if need be. It is clarified that if certified copies of the orders relating to *vakalatnamas* in

question furnished by petitioner are found in order, then respondent shall not insist upon the discrepancy of the signatures on *vakalatnamas* vis-à-vis Application Form, etc..

7. In the peculiar facts and circumstances of this case, it is directed that the selection made by respondent from the waitlist of OBC category on the post of Assistant General Manager (Law) shall be subject to the outcome of the representation. Respondent shall also intimate the candidate selected from the wait-list of OBC category about the rider put by this Court and copy of this order shall be also furnished to him.

8. With aforesaid directions, this petition and the applications are disposed of.

9. Copy of this order be given *dasti* to both the sides.

(SUNIL GAUR)
JUDGE

NOVEMBER 13, 2017

S