

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21150 of 2013

Date of Decision:- 01.08.2016.

Kapil Dev

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Manvinder Dalal, Advocate for
Mr. Rajeev Sharma, Advocate for the petitioner.

Mr. V.K. Kaushal, Advocate for UOI-respondents.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioner has sought for a direction to the respondents to consider his name for appointment to the post of Constable (GD) in BSF, CISF, CRPF and SSB pursuant to his selection record No.1726 of the select list of the candidates whose names have been recommended for appointment vide Annexure P-4.

2.) The petitioner is a candidate for the recruitment to the post of Constable (GD) in BSF, CISF, CRPF and SSB pursuant to the advertisement dated 5.2.2011. The petitioner has completed formalities relating to selection like physical efficiency test and physical standard test. He has also successfully qualified in the written examination held on 5.6.2011. The reason for not issuing appointment order to the petitioner is

that he did not comply the Column 22 & 23 of the Important Instructions to

Candidates with reference to recruitment to the post of Constable (GD) vide Annexure R-2. Column 22 & 23 reads as follows:-

“Column 22 & 23: Signature of candidate (Wherever required)”

Please sign in running hand. Signature in capital letters of English shall not be accepted and your application shall be summarily rejected. Unsigned application shall also be rejected.”

3.) The respondents have invoked the Column No.22 & 23 above with reference to the signature of the petitioner “KAPiL DeV”. According to the respondents it should have been running letters for the purpose of signature wherever required in the process of selection. In more than 7 documents, the petitioner has signed as “KAPiL DeV” he was subjected to physical efficiency test examination and other formalities. The respondents could have rejected or should have advised the petitioner that his signatures should be running. They did not do so. At this stage, learned counsel for the respondents vehemently opposed that the candidates have been given clear instructions, therefore, question of advising the petitioner to rectify his mode of signature is impermissible.

4.) Having regard to the facts and circumstances, the respondents cannot insist that signature cannot be with the capital letters and it should be in running letters. The respondents cannot insist a candidate how his signature should be. It is up to the candidate in what manner his signature would be. Insisting the candidates that signatures should be in running letters is highly arbitrary which is unknown to the selection and procedure to the posts under the service jurisprudence. Therefore, action of the respondents in rejecting the petitioner's candidature for the selection to the

post of Police Constable (GD) is highly arbitrary. Column 22 & 23 vide Annexure R-2 is hereby read down. The respondents are directed to issue appointment order if the petitioner is otherwise fully eligible within a period of two months from today. It is made clear that petitioner would be entitled to all service benefits on par with other candidates who were appointed along with arrears of salary for the intervening period.

5.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 1, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes

Whether Reportable:-

Yes