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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9941/2015**

UNION OF INDIA & ANR.

..... Petitioners

Through Mr. R.V. Sinha & Mr. A.S. Singh,
Advocates.

versus

RAHUL KUMAR

..... Respondent

Through Mr. Pradeep Kumar Arya, Mr. Narinder
Chaudhary, Mr. Sanjiv Deshwal & Mr. Raj Kumar
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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08.02.2016

The petitioners-Union of India (Chairman, Northern Railway and Assistant Personnel Officer, Railway Recruitment Cell, Northern Railway) impugn final decision of the Central Administrative Tribunal, Principal Bench (Tribunal, for short) dated 15th May, 2015 passed in OA No. 1445/2014, which was filed by Rahul Kumar, the respondent herein.

2. The contention raised by the petitioners is that the Tribunal has exceeded their jurisdiction and incorrectly reversed the administrative decision to reject the candidature of the respondent.

3. The petitioners have enclosed at page No. 83, the copy of the OMR answer sheet of the respondent. The first page of the answer sheet had required the candidate to fill his name in block letters, which the candidate had duly filled up and had written his name as “RAHUL KUMAR”. The candidate was also required to sign in Hindi and English. The candidate had accordingly in the relevant box for the said purpose signed in Hindi. The next box required the candidate to sign in English. It is accepted that the respondent had signed the said box in English also. The two signatures of the candidate in Hindi and English were countersigned by the invigilator in the third box. For the sake of clarity, we would like to reproduce the screen shot of the relevant three boxes with signatures. The same are as under:-

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6. परीक्षार्थी का हस्ताक्षर (हिन्दी में) Candidate's Signature (In Hindi)	7. परीक्षार्थी का हस्ताक्षर (अंग्रेजी में) (NOT in Capital Letters) Candidate's Signature In English	8. निरीक्षक का हस्ताक्षर / Invigilator's Signature परीक्षार्थी निरीक्षक का हस्ताक्षर सुनिश्चित करें
राहुल कुमार	RAHUL KUMAR	[Signature]

”

As the screen shot of the printed portion of the form is not clear, we would reproduce the same:-

“

Candidate's Signature (in Hindi)	 (NOT in Candidates Signature in English Capital Letters)	Invigilator's Signature
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4. The contention of the petitioners is that respondent's candidature was liable to be rejected for he had signed in English in capital letters. We have examined the said contention and are perplexed. In box No. 2, instructions to candidates are given, both Hindi and English. The instructions in Hindi state that the candidate must sign in English. It does not stipulate that the candidate's signature should not be in capital letters. The second line of the instructions in English reads, "Candidate's Signature in English Capital Letters." The contention of the petitioners is that the words "Capital Letters" mentioned in the second line have to be read with the words "Not in" mentioned in the first line. Possibly, the candidate in question could not relate and understand the words "Not in" mentioned in first line have to be read with the words "Capital Letters". Instructions in the printed form were confusing and ambiguous. This requirement should have been clarified and so stated by the invigilator. However, the invigilator had signed the third box.

5. Clearly, there were lapses on the part of the petitioners themselves in printing the form, for which, we do not think, the respondent should suffer.

The respondent was focussed and attentive to the questions he had to answer and, therefore, may not have understood the implication. There is no justification to reject and declare his score in the OMR test as invalid.

6. The writ petition is accordingly dismissed. The candidature of the respondent will be processed in accordance with law and necessary steps will be taken within three weeks from the date copy of this order is communicated to the petitioners.

DASTI.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

FEBRUARY 08, 2016
VKR