

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.20880 of 2017
Date of Decision.14.09.2017**

Jaibir Singh son of Mehar Singh

.....Petitioner

Vs

Union of India and others

.....Respondents

Present: Mr. A.S. Tewatia, Advocate
for the petitioner.

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

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AMIT RAWAL J.(ORAL)

The petitioner-applicant approached the Central Administrative Tribunal (hereinafter called as “CAT”) by filing OA No.060/00834/2017 challenging the corrigendum dated 07.07.2017 (Annexure A-3) whereby the respondents revised the criteria regarding the change of preference for the posts in question. Having not been able to succeed before the CAT as the aforementioned OA was dismissed vide order dated 27.07.2017, the petitioner is before this Court assailing the same.

Mr. A.S. Tewatia, learned counsel appearing on behalf of the petitioner submitted that in pursuance of the advertisement dated 13.06.2015 (Annexure A-1) attached with the OA published in the Employment News/Rozgar Samachar for holding of recruitment for Postal Assistant/Sorting Assistants, Data Entry Operators and Lower Division Clerks, the petitioner-applicant applied under Ex-serviceman Category (General) by giving preference. The closing date was 13.07.2015. The petitioner qualified the written examination as well as the typing test under Roll No.1601022725, which fact is evident from the list of candidates

recommended to the post of Data Entry Operator, Lower Division Clerk, Postal/Sorting Assistant vide Annexure P-2. The verification of the documents commenced w.e.f. 07.07.2017 and the applicant appeared for documents verification on 13.07.2017. On 07.07.2017, respondent No.2 issued a corrigendum for cancelling Para 3(ii) of the Result Write Up whereby the liberty given to the successful candidates to submit revised options during the document verification had been taken away. It is in this aspect of the matter, the petitioner has been prevented to give his revised option. The order of the CAT is erroneous, perverse and liable to be quashed on the following premise:-

- (i) The advertisement clearly specified that respondent No.2 would hold a combined written examination for recruitment on the said post and as per para 17 and 18 of the instructions, preference was to be taken from the candidates qualifying test/typing.
- (ii) The 2nd respondent acted in an arbitrary manner and contrary to the instructions contained in the advertisement on account of changing the preference at its own level regarding the allocation of department for LDC post as it was in the domain of the Ministry of External Affairs.
- (iii) The list (Annexure P-2) was a combined list and therefore, liberty granted to give revised option at the time of verification of documents could not be taken away being against the doctrine akin to “promissory estoppel”.

We have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the

submissions of Mr. Tewatia. The writ petition is bereft of pleadings or any document attached in support of the submissions noticed above viz; as to whether at any point of time the petitioner had intended to give revised option other than the Lower Division Clerk. During the course of hearing, this Court raised the aforementioned query to the counsel but the answer was in the negative. For the sake of brevity, the previous option and the corrigendum reads as under:-

“Combined Higher Secondary (10+2) Examination, 2015- Declaration of results of DEST/Typing Test for appearing in Document verification-reg.

Successful candidates of Combined Higher Secondary (10+2) Examination, 2015 for appearing in Document Verification may please refer to Para 3(ii) of the Result Write Up of the above mentioned examination which was uploaded on the website of the Commission on 30.06.2017. The same is reproduced below for the convenience of the candidates.

“Revised options may be submitted by the candidates during the document verification, if they desire, as per the qualifications possessed by them and specific requirements of the different posts, which will be final. If options are not revised, the option submitted in the applications will be treated as final.”

The said para may be treated as cancelled and the revised para may be read as under:-

“The candidates shall indicate their preference for the Departments at the time of Document Verification against the posts already opted by them in their original online applications.”

On juxtaposition of both the options, it is clear that the liberty granted to the candidates for submission of the revised option at the time of verification of the documents had been taken away and corrigendum was issued to the effect that the option given at the time of submission of online

application would be considered. It cannot be said to be an erroneous and illegal act, falling within the realm of judicial review enabling this Court to form a different option than the one arrived at by the CAT. In fact the revised option was not prescribed in the initial advertisement and the competent authority had inherent jurisdiction to review or cancel the order regarding the revised option. The applicant-petitioner has not been able to demonstrate the prejudice being caused with regard to the withdrawal of revised preference or issuance of corrigendum to be act suffering from vice of arbitrariness.

For the reasons aforementioned, we do not find any illegality and perversity in the order of the CAT and the same cannot be said to be faulted with. Resultantly, the impugned order is upheld and the writ petition stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 14, 2017

Pankaj*

Whether speaking/reasoned

Yes

Whether reportable

Yes