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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION (CIVIL) No. 8102/2016**

Date of decision: 18th May, 2017

SANOOP KUMAR Petitioner
Through Mr. A.K. Trivedi, Advocate.
versus

UNION OF INDIA & ORS. Respondents
Through Mr. Prasanta Varma & Ms. Prativarani
Varma, Advocates for respondent Nos. 1 to 3.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE REKHA PALLI

SANJIV KHANNA, J. (ORAL):

The Staff Selection Commission has filed the counter affidavit. Union of India, Director General, Central Reserve Police Force, and DIGP (Recruitment), Regional Recruitment Centre, CRPF, New Delhi, have not filed their short counter affidavit.

2. Notice in the writ petition was issued vide order dated 25th November, 2016. Sufficient time and opportunity has been given to the afore-stated respondents to file counter affidavit, and we are not inclined to grant and extend further time in view of the limited and short issue, which arises for consideration.

3. Advertisement dated 24th January, 2015 issued by the Staff Selection Commission had invited application for selection/appointment to the post of Constable (General Duty) in the Central Armed Police Forces and

Rifleman (General Duty) in Assam Rifles, etc.

4. The petitioner, who belongs to Other Backward Classes, had applied for the post of Constable (General Duty) in the Central Armed Police Force and Rifleman (General Duty) in the Assam Rifles.

5. The petitioner having qualified the Physical Endurance Test had appeared in the written examination and apparently had cleared the same. Accordingly, the petitioner was asked to appear for medical examination on 30th May, 2016 at Chhawla Camp, Najafgarh, Delhi alongwith the original documents, including the domicile certificate, photocopy of which had been filed with the application form. The petitioner claims that he was medically examined and declared fit/qualified.

6. At the time of medical examination, the petitioner had produced the domicile certificate for the State of Delhi, which was issued by the Tehsildar on 11th July, 2014. This was required as per Note III in the advertisement dated 24th January, 2015 published by the Staff Selection Commission, and reads as under:-

“Note III: As the vacancies have been allotted to the concerned States/UTs, candidates are required to submit domicile certificates of the states indicated by them in the application at the time of medical examination/documents verification failing which his/her candidature will be cancelled forthright and the candidate will not be allowed to undergo medical examination. If a candidate produces domicile certificate issued by a state other than the state mentioned in his application he will be allowed to change the state code at the time of verification of

documents.”

7. The petitioner was then informed that he should furnish a fresh valid domicile certificate as on the date of medical examination, notwithstanding the fact that he had furnished the domicile certificate that was valid when the advertisement was published.

8. The petitioner in this situation had no alternative, but had sought time for submission of fresh domicile certificate. As per averments in paragraph 5 of the writ petition, the said request was accepted.

9. The petitioner immediately approached the competent authority for issue of fresh domicile certificate. It is the case of the petitioner that the authorities did not accept his request and issue the domicile certificate as the computer system in Delhi was down due to *Jat Andolan* and could be restored only on 21st June, 2016. The domicile certificate could be issued by the authorities on 27th June, 2016. The petitioner on obtaining copy of the domicile certificate dated 27th June, 2016, immediately approached the authorities, including Staff Selection Commission and ITBP, Chhawla Camp. The said certificate was not accepted by hand.

10. The petitioner thereupon had sent a representation by speed post on 4th July, 2016.

11. The DIGP (Recruitment), Group Centre, CRPF, New Delhi vide order/letter dated 15th July, 2016 returned the fresh domicile certificate on

the ground that the petitioner was given sufficient time to furnish the said certificate, but he had failed to deposit the original certificate. It was also stated that at present all Board proceedings and documents have been sealed by the Board and deposited. Boards have been disbanded and the Board proceedings have been forwarded to the office.

12. We have already reproduced Note III of the advertisement dated 24th January, 2015, which had required the candidates to submit domicile certificate of the States indicated by them in their application. The petitioner on this basis had enclosed domicile certificate issued on 11th July, 2014 alongwith the application. The said certificate was also produced before the Medical Board. However, there was time gap between issue of advertisement on 24th January, 2015 and medical examination, which was held after more than 1 ½ years on 30th May, 2016. Possibly, the petitioner missed out and did not notice that the domicile certificate had recorded that it was valid for a period of one year from the date of issue. For some reason the authorities in Delhi are issuing domicile certificate valid for one year. Note III on the said aspect was unclear, whether the certificate should be valid on the date of advertisement, filing of application, last date of receipt of application or on date of medical examination. The petitioner had thereupon tried to apply for a fresh domicile certificate with the authorities, but issue of fresh certificate took about 27 days because of administrative reasons as the computer systems

were down.

13. We do not think that this is a case wherein the petitioner should suffer and denied chance of being employed for the aforesaid reasons. In fairness, the respondents should consider the case of the petitioner.

14. Accordingly, we allow the present writ petition and direct the respondents to consider the case of the petitioner for the post advertised in accordance with law. The said exercise would be undertaken and completed within a period of four months from the date of receipt of a copy of this order. The petitioner will be given appointment from the date of joining and he would not be entitled to backwages and seniority. It is obvious that the respondents would have to also verify and ascertain whether the petitioner is otherwise qualified. The writ petition is allowed in the aforesaid terms, without any order as to costs.

DASTI.

SANJIV KHANNA, J.

REKHA PALLI, J.

MAY 18, 2017
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