

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.2234 OF 2018

ORDER: (per SK,J)

O.A.No.21/768/2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, was preferred by the respondent herein assailing the letter dated 18.07.2016 issued by the Railway Recruitment Board, Secunderabad, rejecting his candidature for appointment to the post of Assistant Loco Pilot, on the ground that he had wrongly entered his date of birth in his application as 09.04.1991 in the place of 08.04.1991, as per his school certificate. By order dated 21.11.2017, the Tribunal allowed the O.A. opining that the mistake in the entry of the date of birth was perhaps a typographical one and therefore, the authorities ought not to have rejected the candidature of the respondent-applicant on that ground. The Tribunal accordingly directed the authorities to appoint the respondent-applicant to the post which was kept vacant pursuant to the interim order granted in the O.A. within a time frame, if he was otherwise eligible for the said post. Aggrieved by this direction, the Union of India and its officials in the Railway Department, the respondents in the O.A., filed this writ petition.

Sri P.Bhaskar, learned counsel appearing for the petitioners, would fairly concede that in terms of merit, the respondent-applicant secured 64.93 marks in the written examination and was eligible to be appointed under the reservation for OBCs. He would however state that Clause 6.08 of the Recruitment Notification dated 18.01.2014 specifically cautioned the candidates that if they failed to fill the date of birth or wrongly filled it, they would be ineligible to be appointed. It is on the strength of this

clause in the notification that the learned counsel would assert that the respondent-applicant was liable to be held ineligible.

The facts, admitted as they are, demonstrate that the respondent-applicant did not wilfully alter his date of birth but mentioned it as 09.04.1991, instead of 08.04.1991 as per his SSC record. The benefit of doubt given by the Tribunal that such an entry could perhaps have been due to a typographical mistake or oversight cannot be said to be illegal. When the respondent-applicant was otherwise eligible to be considered in terms of the merit secured by him for the reserved post, it would be purely hyper-technical on the part of the authorities to reject his candidature on the ground of the wrong entry of the date of birth which, on the face of it, appears to be a pure mistake. This Court therefore finds no grounds to interfere with the relief granted by the Tribunal *vide* the order under challenge.

The writ petition is devoid of merit and is accordingly dismissed. As the time stipulation mentioned by the Tribunal has already expired, eight weeks time is granted to the petitioners from today to comply with the directions of the Tribunal.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:17.04.2018

GJ