

**BASAVRAJ
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 964 OF 2023

**Manish Kumar Verma Son of Fulan
Prasad Verma**

..... Petitioner

Vs.

Union of India & Ors.

..... Respondents

Mr. Vicky A. Nagrani for petitioner.
Mr. R. R. Shetty for respondents.

**CORAM: S. V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 23, 2023

P.C.

1. The petitioner had filled in application pursuant to the advertisement issued by the respondents for filling in Group “D” posts. The petitioner was not issued with any letter of appointment. It is the case of the petitioner that he participated in the selection process. The petitioner filed Original Application before the Central Administrative Tribunal, Mumbai Bench, Mumbai (hereinafter “the Tribunal”, for short). The same is rejected. Aggrieved thereby, the present writ petition.

2. Mr. Nagrani, learned advocate for the petitioner strenuously contends that the petitioner had uploaded the matric certificate to substantiate his date of birth. However, the respondents misplaced it. The Tribunal also fell in error in not accepting the same.

According to the learned advocate, the petitioner had mentioned in the application that he is annexing matric certificate. The said application was accepted. The petitioner was also permitted to participate in the selection process. The medical of the petitioner was also conducted. That would imply that he had cleared all the stages of the selection process and abruptly when the time came to issue appointment order to him, the respondents contend that he had not annexed the matric certificate. The learned advocate for the petitioner submits that the Tribunal ought to have considered the case put-forth by the petitioner in its correct perspective. The learned advocate, in alternate, submits that even otherwise on such a technical ground, the candidature of the petitioner ought not to have been rejected. The learned advocate placed reliance on the decision of the Supreme Court in the case of **Dolly Chhanda vs. Chairman, JEE & Ors.**, reported in (2005) 9 SCC 779 and also on the decision of the learned Single Judge of the Madras High Court in the case of **R. Vidhya vs. The Secretary, Tamilnadu Public Service Commission**, reported in 2014 SCC OnLine Mad 6120.

3. We have heard the learned advocate for the respondents, who submits that the petitioner has failed to annex any certificate substantiating his age. There was no document to conclude about the age of the petitioner annexed with the application. The same is an essential document. The minimum and maximum age is prescribed in the advertisement. For the said purpose, the document substantiating the proof of age is mandatory.

4. We have considered the submissions canvassed by the learned advocates for the parties. We have also gone through the judgment delivered by the Tribunal.

5. There was no document worth the name produced by the petitioner to substantiate his age. The maximum age was

prescribed. The document demonstrating the proof of age is an essential document. The eligibility of the petitioner is also depending upon the age.

6. In a case of **R. Vidhya** (supra), the learned Single Judge had held that a document which is not an essential certificate for entertaining the application, cannot be a ground for rejecting the candidature of the candidate. In the present case, the document in support of his age is an essential document.

7. In a case of **Dolly Chhanda** (supra), the Apex Court observed that, “the general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. These are documents in the nature of proof of holding of particular qualifications.” The Apex Court further observed that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature”. In the said case, the Apex Court observed that the appellant therein belonged to the reserved MI category. She came from a very humble background and the Zilla Sainik Board issued the first certificate on 29th June, 2003.

8. In the present case, the Tribunal had called for the original record from Respondents. After perusing the record, it came to the conclusion that the petitioner has not produced any document substantiating the proof of his age. The document that the petitioner did not produce was an essential document.

9.

10. In light of that, no interference is called for. The writ petition is dismissed. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)