



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32049-2024

Date of Decision: 28.11.2024

Gopal

....Petitioner

Versus

Union of India and Others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

VIKRAM AGGARWAL, J.

1. The petitioner assails the order dated 11.09.2018 (Annexure P-13) vide which the original application preferred by the petitioner was dismissed by the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal').

2. Pursuant to an advertisement in the year 2013 by the Railway Recruitment Cell, Northern Railway, for employment to Group-D posts, the petitioner appeared in the Physical Efficiency Test (PET) held on 23.04.2015 from the OBC Category. He qualified the same and a provisional list was issued. The petitioner was, accordingly, provisionally shortlisted for document verification which was to be followed by a medical examination.

3. The petitioner was called for document verification on 23.07.2015 in the Office of Divisional Railway Manager, Northern Railway, Ferozepur and a Medical Memo (Annexure P-5) was issued.

4. However, for no response was received thereafter, the petitioner checked the status of his application on the internet and found that his application was under examination for questionable documents (Annexure P-6). After some



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time, upon checking the status, the petitioner found that he had been declared ineligible for violation of employment/examination conditions (Annexure P-7).

5. Applications under the Right to Information Act and subsequently an appeal was filed in which, the petitioner was informed that the candidature of the petitioner had been rejected on the ground that he had circumvented the employment notification instruction by putting signatures in capital letters on the OMR sheet etc.

6. Aggrieved by the said action, an original application (Annexure P-11) was preferred by the petitioner before the Tribunal to which a written statement (Annexure P-12) was filed but, finding the case of the petitioner to be devoid of merit, the original application was dismissed vide order dated 11.09.2018 (Annexure P-13), leading to the filing of the instant writ petition.

7. Learned counsel for the petitioner submits that the Tribunal erred in dismissing the original application filed by the petitioner. He submits that no violation was committed by the petitioner by appending signatures in capital letters on the OMR sheet for there were no instructions stating that signatures had not to be put on the OMR sheet in capital letters. Reference has also been made to the judgment of the Delhi High Court in the case of '*Arif Vs. Union of India and Another*', decided on 30.05.2013 (Annexure P-10). However, on a specific query of the Court as to the reason for the inordinate delay in filing the instant writ petition, learned counsel has no explanation to offer.

8. We have considered the submissions made by learned counsel for the petitioner and have perused the paper book.

9. The facts are not in dispute. The petitioner qualified the Physical Efficiency Test (PET) and was shortlisted for document verification. However,

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subsequently his candidature was cancelled stating that the petitioner had violated the employment conditions. Here, it would be apposite to refer to condition No.10 which deals with invalid applications and condition No.10.7 laid down that applications without signatures or with signatures in capital letters or with different signatures at different places would be rejected. The allegation is that the petitioner had signed the OMR sheet in capital letters. The petitioner may have had a case to make out had he approached this Court in time. Admittedly, the candidature of the petitioner was cancelled in the year 2015-2016 after which he filed the original application. Even the original application was dismissed on 11.09.2018. More than 6 years have gone by. The selections must have taken place. The petitioner has not given even the slightest of justification for the inordinate delay in preferring the instant writ petition. Even in the entire petition, there is not a whisper about reasons for the delay. It is settled law that a person is expected and required to avail the remedies available within a reasonable period. By no stretch of imagination can the period of six years said to be reasonable. In fact, the delay is inordinate.

10. Even if the delay was not to be considered, though the petition is liable to be dismissed on this ground alone, the Tribunal dealt with the issue elaborately and relied upon Clause 12.31 of Annexure A-10 produced before the Tribunal which has not been produced before this Court as per which, the applicant was required to append his signatures in the prescribed space in running script and not in capitals. It also relied upon decision of this Court and the Apex Court while rejecting the case of the petitioner:-

“4. The respondents in their reply statement rest their arguments on the conditions cited in the advertisement which included conditions/instructions for rejection of applications. One of the instructions was that all candidates should read all the instructions thoroughly before



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submitting their applications. A second instruction in para 10.7 clearly states that application without signature or signature in capital letters or with different signatures at different places would be declared invalid. The applicant, according to the respondents had violated this condition in para 12.31 of Annexure A-10 produced by the applicant wherein it has been stated that in the prescribed space, the candidate must put his full signatures in running script, not capital, in English & Hindi. It is clearly specified in the instructions laid down in the advertisement that signature in capital letters and open letters would not be accepted and such applications would be rejected summarily. Respondents cited Punjab and Hayana High Court judgement in C.W.P. No. 13810 of 2011 in C.W.P. No. 13810 of 2011 (O&M) titled Avtar Singh Vs. UOI & Anr. decided on 30.09.2011, 2012 (3) SCT where in it had been held as follows:-

‘10. The Court cannot lose sight of the fact that in a public appointment, the response to such an advertisement is often overwhelming and a number of people who respond, is always far in excess of the advertised posts which in turn would lead to a cumbersome selection process. It is brought to the notice of this Court that the petitioner is not an isolated case of facing such a situation, but there are other people also whose candidature has been cancelled on the ground that their forms were not in conformity with the instructions.

11. In view of this, accepting the plea of the petitioner would be inviting a catastrophic situation where the entire selection process of the persons who have participated, would be put to a risk.

12. There is no legal infirmity pointed out in the action of the respondents and even though, the demands of equity could have prevailed upon the Court, but noticing the fact that it would result in opening a pandora's-box which may leopardize the entire selection process, I am of the opinion that no interference is warranted.

Dismissed.’

5. In Civil Appeal Nos. 8343-8344 of 2011 titled Bedanga Talukdar Vs. Sifudaullah Khan & Ors. Decided on 28.09.2011, the Apex Court had held as follows:-

‘31. In the face of such conclusions, we have little hesitation in concluding that the conclusion recorded by the High Court is contrary to the facts and materials on the record. It is settled law that there can be no



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relaxation in the terms and conditions contained in the advertisement unless the power of relaxation is duly reserved in the relevant rules and/or in the advertisement. Even if there is a power of relaxation in the rules, the same would still have to be specifically indicated in the advertisement. In the present case, no such rule has been brought to our notice. In such circumstances, the High Court could not have issued the impugned direction to consider the claim of respondent No.1 on the basis of identity card submitted after the selection process was over, with the publication of the select list.’

6. The above judgements clearly cover the case of the respondents as no such rule of relaxation of conditions of Employment Notice has been brought to the notice of the Bench by the applicant.”

11. In view of the above, viewed from any angle, we do not find any merit in the instant writ petition and the same is accordingly dismissed.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.11.2024
Prince Chawla

Whether speaking/reasoned :	Yes/No.
Whether reportable :	Yes/No.