

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

CORAM

HON'BLE Dr. NANDITA CHATTERJEE, MEMBER (A)

Date of decision: 16.08.2023

1. Original Application No. 290/00261/2023

Samay Raj Meena S/o Shri Ram Meena, Age about 31 years, R/o VPO-Phulwara, Tehsil Wazirpur, District Sawai Madhopur, Rajasthan. Post-Gramin Dak Sewak, Mobile No. - 9929788997.

.....Applicant

Versus

1. The Union of India, through Secretary, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
2. Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
3. Assistant Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
4. Superintendent of Post Offices, Sriganganagar Division, Gagan path, Jawhar Nagar, Sri Ganganagar, Rajasthan. PIN-335001.

.....Respondents

2. Original Application No. 290/00262/2023

Rajveer S/o Shri Megharam, Aged about 34 years, R/o Village Dhimanpura, Post Bhawli, Tehsil Masalpur, District Karauli, Rajasthan. Post – Gramin Dak Sewak.

.....Applicant

Versus

1. The Union of India, through Secretary, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
2. Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
3. Assistant Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
4. Superintendent of Post Offices, Sriganganagar Division, Gagan path, Jawhar Nagar, Sri Ganganagar, Rajasthan. PIN-335001.

.....Respondents

3. Original Application No. 290/00263/2023

Yogesh S/o Shri Avtar Singh, Aged about 19 years, R/o Near Shiv Mandir, Hari Nagar, Hindaun City, District Karauli, Rajasthan. Post – Gramin Dak Sewak.

.....Applicant

Versus

1. The Union of India, through Secretary, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
2. Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
3. Assistant Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.

4. Superintendent of Post Offices, Bhilwara Division, Bhopal Ganj, District Bhilwara, Rajasthan. PIN-311001.

.....Respondents

4. Original Application No. 290/00264/2023

Ajay Kumar Jatav S/o Shri Bharat Ram Jatav, Aged about 22 years, R/o Near Govt. School, VPO Bajheda, Tehsil Hindaun City, District Karauli, Rajasthan. Post-Gramin Dak Sewak.

.....Applicant

Versus

1. The Union of India, through Secretary, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
2. Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
3. Assistant Director General Posts, Department of Posts, Dak Bhawan, New Delhi. PIN-110001.
4. Superintendent of Post Offices, Bhilwara Division, Bhopal Ganj, District Bhilwara, Rajasthan. PIN-311001.

.....Respondents

Applicants represented by Advocate **Mr Kuldeep Prajapat.**

Respondents represented by Advocate **Mr K.S. Yadav**, Addl. C.G.S.C. after getting an advance copy of these OAs.

ORDER (Oral)

In each of the above noted Original Applications, the applicants are aggrieved with communications received in the context of their document verification, vide which they have been informed of non-acceptance of their documents with respect to individual SSC Certificates.

1. Applicant in **OA No. 261/2023 [Samay Raj Meena Vs Union of India & Ors]** would seek the following relief :

- a) *Quashed and set-aside letter dated 26-03-2023 issued by Superintendent of Post Office, Sriganaganagar Division that his candidature was rejected that selection Board name not tallied with uploaded certificate Board name.*
- b) *Direct to the respondents to consider the qualification of applicant valid.*
- c) *Further direct to the respondents to considered the candidature of applicant on merit by consider the qualification of applicant valid for recruitment and if petitioner fount in merit than he may be given appointment with all consequential benefits.*
- d) *Any other appropriate order or direction the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed.*

Applicant in **OA No. 262/2023 [Rajveer Vs Union of India & Ors]**, the applicant would pray for the following relief :

- a) *Quashed and set-aside letter dated 23-03-2023 issued by Superintendent of Post Office, Sriganaganagar Division that his candidature was rejected that selection Board name not tallied with uploaded certificate Board name.*
- b) *Direct to the respondents to consider the qualification of applicant valid.*
- c) *Further direct to the respondents to considered the candidature of applicant on merit by consider the qualification of applicant valid for recruitment and if petitioner fount in merit than he may be given appointment with all consequential benefits.*
- d) *Any other appropriate order or direction the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed.*
- e) *Cost of the O.A. may kindly be allowed to the applicant.*

Applicant in **OA No. 263/2023 [Yogesh Vs Union of India & Ors]** would seek relief as under:

- a) *Quashed and set-aside letter dated 21-04-2023 issued by Superintendent of Post Office, Bhilwara Division that his candidature was rejected that selection Board name not tallied with uploaded certificate Board name.*

- b) *Direct to the respondents to consider the qualification of applicant valid.*
- c) *Further direct to the respondents to considered the candidature of applicant on merit by consider the qualification of applicant valid for recruitment and if petitioner fount in merit than he may be given appointment with all consequential benefits.*
- d) *Any other appropriate order or direction the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed.*
- e) *Cost of the O.A. may kindly be allowed to the applicant.*

Finally, the prayer of the applicant in **OA No. 264/2023 [Ajay Kumar Jatav Vs Union of India & Ors]** is as follows :

- a) *Quashed and set-aside letter dated 21-04-2023 issued by Superintendent of Post Office, Bhilwara Division that his candidature was rejected that selection Board name not tallied with uploaded certificate Board name.*
- b) *Direct to the respondents to consider the qualification of applicant valid.*
- c) *Further direct to the respondents to considered the candidature of applicant on merit by consider the qualification of applicant valid for recruitment and if petitioner fount in merit than he may be given appointment with all consequential benefits.*

d) Any other appropriate order or direction the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed.

e) Cost of the O.A. may kindly be allowed to the applicant.

2. These matters are taken up by the Single Bench in view of the revised list dated 04.04.2000 and 10.09.2021, issued under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985, as no complicated question of law is involved in these matters, and, with the consent of the party.

3. It is revealed from the above noted OAs, that, apart from the fact that the impugned communications on status of "documents verification" were issued on different dates, the relief sought by the applicants are identical in nature, and accordingly, this Tribunal would proceed to dispose of the above noted OAs in terms of a common order at the admission stage.

4. For the sake of brevity, the facts contained in **OA No. 261/2023 [Samay Raj Meena Vs Union of India & Ors]** are delineated for the purpose of discussion.

5. Learned counsel for the applicant would state that, an advertisement was issued on 27.01.2023 (Annex. A/2 to the OA) for the purpose of engagement of Gramin Dak Sevaks (GDS) as per Annex. A/2 to the OA, and, that, as per para 5.2 on the subject of 'Qualification as on the date of Notification'

and clause (1) thereof, the requirement of 'Educational Qualification' were noted as under :

“5.2 (1) (a) Secondary School Examination pass certificate of 10th standard having passed in Mathematics and English (having been studied as compulsory or elective subjects) conducted by any recognized Board of School Education by the Government of India/State Governments/Union Territories in India shall be a mandatory educational qualification for all approved categories of GDS.”

Learned counsel would further submit that the applicant had duly applied pursuant to Notification dated 27.01.2023 and during the time of furnishing his application, he had stated in his application form that he had passed 10th standard class from the Board of High School and Intermediate Education, Uttar Pradesh, Allahabad, as per the listed Boards.

Learned counsel would also refer to Annex A/3 to the OA (page number 35 thereof), which discloses his Educational Certificate and Secondary Examination marksheet which has been obtained from the Uttar Pradesh State Open School Board. Learned counsel would argue that despite the applicant's undertaking to the effect at para 9 of declaration to such online application (at page 38 of the OA) that the details so furnished are "true to the best of his knowledge and belief", the applicant had no other option but to insert the

name of one of the listed Boards in online application so as to ensure his online submission of his application.

It is further contended that the respondent authorities ought to have manually verified the applicant's certificate with reference to the Board of Education wherefrom he had obtained his Secondary Examination marksheet and certificate, as in terms of a corrigendum dated 04.07.2022 issued by the respondents, clause 2 para 3 (e) had stated that:-

“(e) In case the Secondary School Board is not available on the Digilocker, 10th Mark Sheet/Board Certificate to be verified manually through Board concerned by Divisional Head as situated in Para 4 (iii) below.”

6. Learned counsel would hence aver that, in view of such corrigendum, the respondents be directed to manually verify the applicant's certificate from the Board wherefrom he had qualified in secondary examination.

Learned counsel for the applicant would also furnish, in support, two orders of this Tribunal, as under:-

In **OA No. 472/2022 (Cuttack)** in the matter of **Kushmanjali Tripathy Vs Department of Post**, the coordinate Bench of this Tribunal at Cuttack, after having noted the corrigendum dated 04.07.2022, had remanded the matter to the respondents for reconsideration in terms of such corrigendum.

Learned counsel would also cite a decision of this Tribunal in **OA NO. 140/2023** dated 12.05.2023 (**Indra Vs UOI & Ors**), wherein, this Tribunal had disposed of the said OA with following directions :

“7. After hearing learned counsels for the parties and perusal of material available on record, although, prima-facie we feel that no legal right accrues to the applicant to direct the respondents to open the window to edit/correction in the online form of the applicant, but looking to the facts and circumstances of the case, especially the statement of learned counsel for the applicant at Bar that the process of documents verification is still going on and has not yet been concluded by 6 the respondents, liberty is granted to the applicant to approach the respondents in this regard by preferring a detailed representation within 02 days. On receiving it, the respondents shall examine and take a conscious decision, considering facts and circumstances, on the representation of the applicant by passing a detailed reasoned speaking order.”

7. Heard. Considered.

8. The undisputed facts, as gleaned from the pleadings and documents annexed therein, are as follows :

(i) The applicant had applied in response to the Notification dated 27.01.2023 as per Annex. A/4 to the OA, wherein, with reference to column on the Board of Education wherefrom he had obtained his 10th standard marksheet and certificate, he had noted 'Board of High School and Intermediate Education, Uttar Pradesh, Allahabad'. The applicant's plea is that he had no option

but to insert such 'Board of High School and Intermediate Education, Uttar Pradesh, Allahabad' as because the Board from which he actually had obtained his marksheet and certificate was not listed as one of the recognized Boards in the Digilocker/drop down menu that would permit him to continue with the submission of his online application form.

(ii) Although a corrigendum had been issued on 04.07.2023 in the context of recruitment Notification 2022, dated 01.07.2022, the applicant has not been able to bring forth any such corrigendum with reference to Notification dated 27.01.2023.

(iii) In **Kushmanjali Tripathy (supra)**, co-ordinate Bench of this Tribunal at Cuttack had remanded the matter to the authorities to reconsider in terms of the corrigendum dated 04.07.2022. Such decision cannot be replicated in this matter in absence of any corrigendum issued in respect of recruitment notification of 2023 .

(iv) Regarding the decision of this Bench in the matter of **Indra (supra)**, this Bench had observed that, although prima-facie, there is no legal right which accrues to the applicant but in such case, the cause of action was a mistake committed during filling up the application form. This is not akin to a deliberate and conscious insertion of the name of a Board of Education, which is distinct from the Board of Education from which the

applicant had actually qualified in his 10th standard and obtained his marksheet and certificate.

9. Such being the open admission at the Bar, this Tribunal would deem it fit to dismiss all four above listed original applications at the admission stage itself as no right can accrue to such applicants who have deliberately resorted to falsehood in submission of their online forms.

In the event, however, any corrigendum is issued to the Notification dated 27.01.2023 on similar lines as that issued on 04.07.2022 wherein a provision of manual verification of certificate and marksheets was introduced, the applicants will have the liberty to represent, and upon receipt of the same, the respondents shall arrive at a reasoned decision not later than one month of receipt of such representations.

10. Ordered accordingly. There will be no orders on costs.

(Dr Nandita Chatterjee)
MEMBER (A)