
(2014) 04 AHC CK 0310
In the Allahabad High Court
Case No : C.M.W.P. No. 20547 of 2014

Shailesh Kumar Prajapati

APPELLANT

Vs

Union Government of India

RESPONDENT

Date of Decision : 09-04-2014

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : (2014) 5 ADJ 334 : (2014) 104 ALR 821 : (2015) 1 AWC 897 : (2014) 142 FLR 558

Hon'ble Judges : Rajan Roy, J; Amreshwar Pratap Sahi, J

Bench : Division Bench

Advocate : S.S.P. Gupta, Advocate for the Appellant; Anadi Krishna Narayana and Ashok Trivedi, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi and Rajan Roy, JJ.—Heard Sri S.S.P. Gupta, learned Counsel for the petitioner, and Sri Ashok Trivedi for the respondent No. 2. The petitioner has questioned the intimation sent to the petitioner dislodging him and rejecting his candidature on the ground that the petitioner had been, contrary to the Notification, allowed to be interviewed and therefore the petitioner cannot claim his right against the said post which was advertised.

2. Sri Gupta submits that the respondents are estopped from giving any such reason in view of the fact that the petitioner himself was interviewed and an undertaking was given by him on the asking of the respondents to furnish the certificate, particularly the Caste Certificate which was required at the time of Interview.

3. It is the admitted case of the petitioner that the Caste Certificate had not been produced and he had sought further time to furnish the same. It is apparently on this undertaking that the petitioner has framed the present petition. Sri Gupta submits that the Caste Certificate, which has been issued, is within the time as

prescribed under the relevant brochure.

4. We have perused the terms and conditions in relation to the said requirement and we find that the general instructions condition No. 1 as well as the instructions contained for the interview under Clause-IV (E) clearly indicates that all such documents shall be produced at the time of interview in support of the candidates eligibility and identity failing which the candidate may not be permitted to appear in the Interview.

5. Sri Gupta contends that in spite of this condition, the petitioner gave an undertaking and was interviewed by the respondents.

6. Further it is to be noted that under the terms and conditions of the interview call-letter, which have been filed as Annexure-3 to the writ petition, condition No. 3 reads as follows:

3. Please note that the candidates who come for the interview without the above mentioned certificates/documents or found ineligible at the time of verification of the documents will not be allowed to attend the interview and will not be considered for further selection process.

7. In our opinion, a perusal of the aforesaid provisions leaves no room for doubt that there is no residuary powers left with the respondents to grant any concession and it is for this reason that the impugned order categorically holds that the action taken and the interview held was contrary to the aforesaid notification.

8. In our considered opinion, the petitioner cannot invoke Article 14 of the Constitution of India to call upon us to invoke the writ-jurisdiction under Article 226 of the Constitution of India keeping in view the fact that Clause (3) as quoted herein above does not allow the respondents to contravene the same and extend any such benefit of interview to the petitioner. No power of relaxation has been shown, and the permission to the petitioner to be interviewed provisionally without production of the Caste Certificate does not appear to be permissible under the brochure. The concession to interview the petitioner was therefore contrary to the terms and conditions.

9. The contention of the petitioner is that the admissible period of the Caste Certificate is prescribed as between 1.4.2013 to 31.3.2014. The date of eligibility is 1.7.2013. The petitioner applied for the Caste Certificate in December 2013 which was issued prior to 31.3.2014 but not upto the date of interview. This, according to the petitioner, was no fault on his part and was something beyond his control. Even otherwise, the change in the timetable of interview, which was expected after 31.3.2014 as per the last date of a certificate, has brought about this situation as such the petitioner was rightly given time to produce the certificate afterwards that was obtained by him.

10. Here it would be relevant to place on record that the advertisement is dated 10.7.2013 and the date of interview was announced in December, 2013, fixing

5.1.2014. The petitioner had enough time of more than six months to obtain the Caste certificate as indicated under the terms of advertisement itself. The petitioner therefore made an attempt at the last moment himself. Consequently, there is no merit in the writ petition. The writ petition is dismissed.