

(2012) 12 KAR CK 0062

In the Karnataka High Court

Case No : Writ Petition No. 47868 of 2012 and C/W W.P. No. 47869 of 2012

Smt. K.T. Suchitra

APPELLANT

Vs

Registrar General and Others

RESPONDENT

Date of Decision : 05-12-2012

Acts Referred:

Citation : (2013) 1 AKR 676 : (2013) 1 KCCR 764 : (2013) LabIC 1409

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : H.C. Shivaramu, for the Appellant; Manjula R. Kamadolli, HCGP, for the Respondent

Final Decision : Dismissed

Judgement

A.N. Venugopala Gowda, J.—As these two writ petitions involve common questions of law and fact, they are being disposed of by this common order. High Court of Karnataka invited applications by issuing a Notification bearing No. CJRC. 1/2010 dated 6.8.2011, to fill 152 posts of "Civil Judges (the then Civil Judge (Junior Division)", by direct recruitment. The said Notification was published in the Karnataka Gazette. Candidates desirous of applying to the notified posts were required to furnish the particulars in the prescribed form of applications (in duplicate) which were made available from the Office of the Secretary, Civil Judges Recruitment Committee (for short, "the Committee"). The last date for submission of duly filled in applications was 16.09.2011. Instructions to candidates, in the matter of filling up of the application, submission of testimonials etc. was supplied along with the application form.

2. In pursuance of the said Notification, 8159 candidates applied, out of whom 6,932 were found to be eligible to take the preliminary examination. The remaining applications were rejected for one or other reason/s.

3. The Committee, upon scrutiny, having noticed that the seal of the Presiding Officer who has attested/signed the photo-graph/s affixed on the application

form/s was not forthcoming in the applications submitted by these petitioners, rejected their applications. Petitioners questioned the same in W.P. Nos. 22479-480/2012 and submitted that they may be permitted to make representations along with the relevant documents, to the Committee, for consideration. The writ petitions were disposed of, permitting the petitioners to make representations to the Committee along with necessary documents which are stated to have not been filed along with the original applications and the Committee was directed to consider the same. Subsequently, petitioners submitted the representation/s. The Committee having considered the same. Finding that the affixing of seal and signature of the Presiding Officer on the photograph affixed on the application being a mandatory requirement, in view of its non-compliance, rejected the representations. Assailing the said action and to direct the Committee to issue the admission ticket/s to the petitioners to take the preliminary examination scheduled to be held on 08.12.2012, these writ petitions have been filed.

4. Sri H.C. Shivaramu, learned advocate, in support of the writ petitions, contended that the rejection of the applications of the petitioners on technical reason is arbitrary and unreasonable. He submitted that the non-affixing of the seal of the Presiding Officer on the photograph affixed on the original application/s of the petitioner/s was only a bona fide mistake and is only an irregularity which can be rectified at any stage of recruitment and hence, interference is warranted.

5. Smt. Manjula R. Kamadolli, learned High Court Government Pleader, appearing for the respondents, on the other hand contended that the applications submitted by the petitioners being invalid, the decision of the Committee, rejecting the candidature of the petitioners is neither arbitrary nor unreasonable and that no valid ground has been made out by the petitioners, warranting any interference. She submitted that the instruction at Serial No. 1 of the Instructions to candidates, makes it clear that the application which does not fulfil the conditions and found defective, as liable to be rejected. She submitted that as per Serial No. 5 of the instructions to the candidates, the photograph of the applicant should be affixed to both sets of the applications in the space provided and is required to be "attested by the Presiding Officer of the Court with his/her seal and signature". She submitted that the details mentioned in the recruitment Notification and the Instructions to candidates made available along with application form are mandatory. She further submitted that, an application without the seal/signature of the Presiding Officer lacks authenticity and therefore, the Committee is justified in rejecting the applications of the petitioners. She placed reliance on a decision in the case of T. Jayakumar Vs. A. Gopu and Another,

6. Perused the writ record and also the record of the petitioners, maintained by the Committee. Application forms obtained from the Secretary, Civil Judges Recruitment Committee, has an attachment "Instructions to candidates". Serial

Nos. 1 and 5 of the said instructions, which are material for these cases, read as follows:

1. The Application must be in duplicate and the candidates are advised to fill-up the application in their own hand-writing and must be accompanied by the required testimonials, failing which, their applications will be rejected summarily.

5. Passport size photographs of the applicant should be affixed to both the sets of the application in the space provided and attested by the Presiding Officer of the Court/Registrar (Judicial) of the High Court/Additional Registrar General of Circuit Bench. Dharwad/Gulbarga, as the case may be with his/her signature and seal. TWO passport size photographs of the candidate (without attestation) should be kept in a separate envelope super-scribed by the applicant as -- "Passport size photos of Sri/Smt....." and the envelope should be enclosed with the application.

(Underlining is by me)

7. Upon scrutiny of the applications of the petitioners, it was noticed that seal of the Presiding Officer who attested/signed the photographs affixed to the application form/s was not forthcoming. Consequently, the applications of the petitioners were rejected and the same was assailed in W.P. Nos. 22479-480/2012.

8. The representations submitted pursuant to the order passed on 25.07.2012, in W.P. Nos. 22479-480/2012 having been considered and the requirement, noticed supra, having been found to be mandatory and there being non-compliance, the application/s of the petitioners being invalid, was rejected.

9. Undeniably, along with the application forms, petitioners were supplied with the "instructions to candidates". A perusal of the applications submitted by the petitioners shows that, the seal of the Presiding Officer who has attested/signed the photographs affixed on the application/s is not forthcoming. Despite the specific instructions, noticed supra, the petitioners had not taken care to get the photographs affixed to the application/s, attested by the Presiding Officer of the Court with his/her signature and seal. The seal of the person who attested the photographs of the petitioners is not forthcoming in the application/s. The said requirement being a mandatory requirement, there is non-compliance of the specific instruction given at Sl. No. 5 in the "instructions to candidates". In the circumstances, the decision taken by the Committee is in conformity with the instruction No. 1 to candidates, noticed supra and cannot be termed as arbitrary.

10. Filled in applications must be in order and intact. Before submitting the filled application form, a candidate is supposed to go through the notified instructions carefully in order to ensure that the particulars and information which are required to be furnished, are duly filled in and furnished and that the application is submitted as per the specific instructions made available along with the application form. The petitioners are not diligent and have not submitted the duly

filled in applications to the Committee, in accordance with the instructions, supplied to them along with the application/s. No doubt, after disposal of W.P. Nos. 22479-480/2012, the petitioners had submitted representations. The Committee having found that there is non-compliance of the mandatory requirement, has rejected the representations. The alleged compliance, if any, being only on 24.08.2012, long after the last date prescribed for submission of the applications, i.e., 16.09.2011, the order dated 27.11.2012 passed in W.P. No. 72160/12 and connected cases, which is to the following effect, applies to the present petitions:

16. No doubt, it would be heart burning for some of the applicants for not complying with the requisite mandatory requirement of the notification, but that does not mean that, Court should interfere with the process of scrutiny of selection of candidates by giving scope to entertain an application even after the due date or allow the documents to be filed as and when the applicants produce the same. It would lead to unnecessary delay in the process of scrutiny, delay in process of the selection and also gives contrary results. As such having regard to the principles laid down by the Apex Court, having regard to the circumstances, though this Court has directed for consideration of the applications, however, the representations, which were considered by the Committee, the said Committee found that, the required documents are sought to be produced after the due date and the notification having clearly stated that such applications, which are not in consonance with the requirement of notification, can be rejected. The candidate, who is not diligent, who could not comply with the requirement of the notification, cannot come at a later stage and submit that he may be permitted to present the documents, such a concession would not be in the interest of the scrutiny of the application or selection of the candidates.

17. It is now submitted that, the scrutiny is over and the process is also complete and examination for the candidates is also fixed on 8th December 2012 and at this stage, I do not find it is appropriate to interfere with the said selection process and as such, I find that the contention of the learned Counsel for the petitioners does not merit.

For the foregoing reasons, these writ petitions being devoid of merit are rejected with no order as to costs.