
(2009) 10 DEL CK 0141
In the Delhi High Court
Case No : Writ Petition (C) 11382 of 2009

Taruna

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-10-2009

Acts Referred:

Citation : (2009) 10 DEL CK 0141

Hon'ble Judges : Suresh Kait, J; Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Pankaj Mathur, for the Appellant; M.L. Khan, for R. 1-3 and N. Waziri, for Govt. of NCT of Delhi, for the Respondent

Judgement

Suresh Kait, J.—The present petition has been filed challenging the order dated 04.07.2009 whereby the petitioner has been informed that since the SC certificate submitted by her was found to be forged, her candidature for being appointed to the post of Constable/GD (female) in Central Industrial Security Force was rejected.

2. In response to an advertisement inviting applications for being appointed as a Constable/GD (Female) under CISF, the petitioner applied under the quota ? reserved for members belonging to Schedule Castes?. The petitioner cleared the written test as also the physical test. She cleared the interview.

3. Having successfully cleared the afore-noted tests and the interview, the petitioner was directed to appear for medical examination on 4.7.2009, on which date, instead of subjecting her to a medical examination, she was handed over a rejection slip of even date. The rejection slip reads as under:

Rejection slip

Roll number : 08010099 Name : Taruna Father's Name : Sh. Ram Singh Your candidature to the post of Const/GD (F) in CISF is rejected on the following grounds:

On verification of Caste certificate issued on 28/09/1998, it was found that the same has not been issued by sub-division vivek vihar. Hence, candidature rejected.

Signature of the candidate

Signature and name of

the recruitment board.

4. What had happened in the interregnum was that as per procedure, in between the selection process and the medical examination, CISF authorities sent for verification to the Executive Magistrate, Vivek Vihar, the original certificate dated 28.9.1998 which was submitted by the petitioner, for the reason the same was purportedly issued by the Executive Magistrate, Vivek Vihar and a communication was received by CISF from the office of the Executive Magistrate, Vivek Vihar, that the certificate in question was not issued from the office of the Executive Magistrate, Vivek Vihar.

5. Based on this information the respondent (CISF) has rejected the candidature of the petitioner.

6. On receiving the aforesaid rejection slip, the petitioner contacted the concerned Executive Magistrate, Vivek Vihar and appraised the urgency of the matter. She pointed out that the certificate in question was indeed issued to her. By way of abundant precaution she applied for being issued a fresh caste certificate. The concerned Executive Magistrate was helpful and issued a fresh caste certificate on 08.07.2009 on an urgent basis, after due verification. The certificate certified that the petitioner was a member of a scheduled caste in Delhi.

7. Having great hope, the petitioner approached respondent No. 3 on the basis of the fresh caste certificate issued on 08.07.2009 but said respondent did not respond thereto.

8. Having no other option, the petitioner has challenged the action and inaction of the respondents by filing the present writ petition.

9. Along with the writ petition, the petitioner annexed the certificates issued by the Executive Magistrate, Vivek Vihar in the name of her father, mother and brother, certifying them to be belonging to the community ?Jatav Chamar? which is listed as a Scheduled Caste in Delhi.

10. An affidavit has been filed on behalf of respondent No. 4 which has been deposed to by the Tehsildar/Executive Magistrate, Preet Vihar, Delhi to the effect that the certificate issued on 08.07.2009 in the name of Ms. Taruna D/o Sh. Ram Singh was issued by said office after due inquiry/verification. But, the certificate issued in the year 1998 was not issued by their office.

11. During hearing of the writ petition, we were not satisfied by the response of

respondent No. 4 pertaining to the caste certificate claimed by the petitioner to be issued in her name in the year 1998 and we directed respondent No. 3 to bring the original caste certificate of the petitioner in Court, since same was retained by them. On production of the original certificate, photocopy of the same was handed over to Learned Counsel for respondent No. 4 for it being verified.

12. Today, Mr. Nazmi Waziri, Learned Counsel for respondent No. 4 appeared along with the Executive Magistrate, Vivek Vihar and has produced the dispatch registers maintained in the said office and concedes that vide entry No. 422 dated 6.7.1998 it stands recorded that a certificate has been issued in the name of the petitioner.

13. Thus, it is apparent, a fact which is conceded by Mr. Nazmi Waziri, Learned Counsel for respondent No. 4 that the certificate bearing No. 148799/422 was indeed issued on 6.7.1998 to the petitioner and that the same is a genuine document.

14. Mr. Nazmi Waziri, Learned Counsel for respondent No. 4 states that a wrong information was conveyed to CISF for the reason the register pertaining to the years 1997 till the year 2000 recording issuance of the certificates to members of the Scheduled Castes from the office concerned was with the Vigilance Department and inadvertently, with reference to the register pertaining to the certificates issued to OBCs, noting that in said register, the particulars of the certificate in question were not entered, it was informed that the certificate was not issued from the office. Mr. Nazmi Waziri expresses apology for the wrong act of respondent No. 4 who caused the verification to be effected with reference to a wrong register.

15. Thus, the issue stands concluded in favour of the petitioner. Indeed, the caste certificate submitted by her and issued in her favour bearing No. 148799/422, bearing the date 18.9.1998 is genuine.

16. We thus issue a mandamus to respondents No. 1 to 3, to forthwith medically examined the petitioner and if she is found to be medically fit to issue her an appointment letter to the post of Constable/GD (Female) in CISF. We further direct that for purposes of her seniority and length of service, if petitioner is found medically fit, she would be treated as employed with effect from the date the persons in the select list were given appointments. We clarify that having not worked under CISF, she would not be paid the past wages. In issuing the mandamus we have been guided by the fact that in the merit list, the seniority position of the petitioner entitles her to be appointed to the post in question and that CISF authorities have done no wrong.

17. It is apparent that at the root of the problem is the casual manner in which respondent No. 4 has acted by not properly verifying what respondent No. 4 was required to verify. The result thereof is that the petitioner has remained unemployed for four months. For the inconvenience caused to the petitioner as

also to compensate her for the loss of wages we award compensation in sum of Rs. 25,000/- in favour of the petitioner with a direction that the same shall be paid by the Government of NCT of Delhi.

18. Copy of the order be given Dasti under the signatures of Court Master.