*IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Judgment – 19th May, 2010

+ **W.P.(C) 3322/2010 & CM No.6664/2010**

NAVPREET SINGH SANDHU ..... Petitioner
Through: Mr.H.S. Ghuman, Advocate.

versus

UOI AND ORS ..... Respondents
Through: Mr.Amar Nath Saini,
Mr.Ankur Chhibber, Advocates
with Capt.Rahul Soni.

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MS. JUSTICE INDERMEET KAUR

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

GITA MITTAL, J. (Oral)

CM No.6664/2010

Application is allowed subject to just all exceptions.

W.P.(C) 3322/2010

1. The petitioner is aggrieved by failure of the respondents by issuing him a call letter for the interview for the 111th Technical Graduate Course (July 2010) for which he had applied to the respondent.

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2. In view of the urgency expressed by the petitioner on the ground that interviews for selection to the said course have commenced by an order passed on 18th May, 2010 we had called upon the respondents to produce the record relating to the petitioner.

3. To the extent necessary, the facts in brief are noticed hereinafter. The respondents no.1 to 3 had issued an advertisement inviting applications for the Indian Army for the 111th Technical Graduate Course (July 2010) and the 35th Short Service Commission (Technical) Men in the weekly employment news for the period 7-13th November, 2009. Being eligible for the same, the petitioner had submitted his application on 12th November, 2009 for the 111th Technical Graduate Course along with attested photocopies of the required documents.

4. On 19th March, 2010, the respondents had uploaded the list of eligible candidates for the said course on their website, the petitioner was, however, not included in this list.

5. The petitioner has claimed that along with his father, he had visited the respondents no.3 and 4 seeking information as well the reason for non-inclusion of his name. Despite being told that the petitioner would be informed about the reasons thereof, no response at all was received. A follow up representation dated 23rd March, 2010 along with attested copies of requisite certificates and documents and a personal visit on 29th March, 2010 to the

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respondents was also of no avail.

6. In this background, the petitioner was constrained to serve a legal notice dated 6th April, 2010 to the respondents. Even this did not evoke any response to let alone a favourable consideration by the respondent.

7. In this background, the petitioner was constrained to seek relief by way of the present writ petition.

8. The original application submitted by the petitioner has been placed before us. We find that in Column no.14 of the application the petitioner had mentioned the list of documents which have been attached by him with it. These include attested photocopy of the matriculation certificate issued by the Board of Secondary Education to the petitioner. At serial no.(b) the petitioner has mentioned that he has enclosed an attested photocopy of his Engineering Degree Certificate.

9. We have been informed by Captain Rahul Soni that the petitioner's candidature has been rejected for the reason that he failed to enclose the attested photocopy of the requisite degree despite the advertisement which informed the petitioner of the requirements.

10. We have carefully perused the original application as well as the enclosures which have been submitted by the petitioner. We find that the petitioner has submitted the attested photocopy of the certificate with regard to the All India Secondary School

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Examination 1999.

11. We find that the photocopy of the degree as mentioned in the application form is not available in the record produced before us. However, the attested photocopies of the complete result that is the marks sheets issued to the petitioner for the eight semesters of the course of Bachelor of Technology (Computer Science and Engineering) issued by the Punjab Technical University are enclosed along with the original application form.

12. Learned counsel for the petitioner has contended that the attested photocopy of the degree was also enclosed and the petitioner cannot be faulted for the respondent's fault in misplacing the same.

13. We are not required to go into this last issue for the reason we are noticing hereafter.

14. Our attention is drawn to the advertisement issued by the respondents inviting the application. At serial no.17, the respondents have given the details of the enclosures which were required to be enclosed with the application form. So far as the description of the essential certificates which the applicant was required to enclose, the respondents have informed the candidates at serial no.17(b) that they were required to enclose either the original degree certificate for B. Tech or the independent marks sheets of all years/ semester/ part of engineering degree for those candidates who had already passed the said course. The

respondents have required only photocopy of the requisite documents to be filed with the application.

15. The petitioner has passed the B.Tech Course. The original application form produced before us shows that the petitioner has enclosed the attested independent marks sheets for all semesters of engineering degree course which he had undertaken. This clearly meets the requirement of the stipulations contained in the advertisement issued by the respondents.

16. In view of the above, the application form of the petitioner could not have been rejected on the sole ground that though in the body of the application form he mentioned that he had enclosed an attested photocopy of the engineering degree certificate, he had actually enclosed the copies of all the required marks sheets. Even if the respondents were holding against the petitioner, they did not care to respond to the petitioner's queries or representation. It however remains a fact, that the application form produced before us complies with the notified requirements.

17. In this background, the petitioner was entitled to a favourable consideration of his application form and could not have been denied participation in the interview and selection process.

18. We are informed that selection process for the course is not complete and the interviews for the same are underway.

19. In view of above, we direct as follows:-

(i) the respondents shall forthwith issue a communication to

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the petitioner informing him of the date and venue of the interview for consideration selection for 111th Technical Graduate Course (July 2010).

(ii) the respondents shall ensure that the petitioner is given a reasonable time to reach the place at which his interview would be held.

(iii) this writ petition is allowed in the above terms.

Copy of this order be given dasti under signature of the Court Master.

sd/-
GITA MITTAL, J.

sd/-
INDERMEET KAUR, J.

MAY 19, 2010
nandan

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JUGAL KISHORE
Court Master
High Court of Delhi
New Delhi