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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.903/2002

WEDNESDAY, THIS THE 10TH DAY OF APRIL, 2002-

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

S. Manonmani
G-12, 1st Floor, Subhash Chowk
Laxmi Nagar
Delhi-92

..Applicant

(By Advocate: Shri C.Hari Shanker)

Versus

1. Union of India
through the Secretary
Dept. of Personnel & Training
M/o Personnel, Public Grievances & Pensions
North Block,
New Delhi-1
2. Staff Selection Commission
through the Chairman
CGO Complex
Lodhi Road
New Delhi

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M.(A):

The applicant in the present OA had applied for the post of LDC way-back in 1987 in response to an advertisement issued by the Staff Selection Commission (SSC) in the Employment News dated 13.6.1987. She had appeared at the examination and had successfully cleared the same. However, her candidature was then cancelled as she had failed to produce an attested copy of her matriculation certificate. Much later, on 5.2.1997, she received a communication from the SSC calling upon her to contact the Commission with full details in regard to the aforesaid examination of 1987. She contacted the SSC as desired by the Commission, but no action was taken. She then filed a representation which did not elicit any

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response. In the circumstances, she approached this Tribunal through OA-2575/2001 which was decided on 28.9.2001 with a direction to the respondents to dispose of the aforesaid representation. In pursuance of the aforesaid order passed by this Tribunal, the SSC has now issued a Memorandum dated 28.12.2001 (A-1) by which the applicant's candidature for employment in any of the group "Z" posts has been rejected on the ground that she did not submit any proof of qualifications of having passed matriculation or equivalent or higher examination with Hindi ^{as} one of the subjects as on 1.8.1987. Her candidature for the group "X" and group "Y" posts has, however, been rejected without disclosing specific reasons for such rejection by simply stating as follows:-

"4.. It is also informed that since she was not declared qualified for "X" & "Y" Groups of posts her candidature cannot be considered for these Groups of posts."

2. The learned counsel appearing on behalf of the applicant places reliance on the document placed at A-6 by which the applicant, on being asked to do so, had conveyed her order of preference for various posts in group "X", to contend that by asking for the applicant's choice in the matter, the respondents have clearly indicated that she had been selected for consideration for appointment against a group "X" post and the order of preference was sought only in order to enable the respondents to allot a specific service falling in group "X" to which the applicant could be appointed. The learned counsel has also drawn our attention to the provision made in the aforesaid advertisement with regard

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to the written examination and the typewriting test. The relevant provision reads as under:-

"The Written Examination will be Objective-Type only. The Typewriting Test is a qualifying test only..."

12. Selection of candidates: After the examination, the Commission will in so far as vacancies in the posts covered by Group "X" and "Z" of para 1 are concerned, draw up separate lists for each of the two groups, in order of merit, as disclosed by the aggregate marks finally awarded to each candidate at the examination and in that order in each list so many candidates as are found by the Commission to be qualified at the Examination shall be recommended for appointment up to the number of unreserved vacancies in these Groups decided to be filled on the results of the examination."

3. In relation to the first contention raised by the learned counsel, we find on perusal of the document in question that the applicant had supplied the requisite information regarding the order of preference on 30.6.1988, whereas going by the contents of A-1, it is clear that the applicant had cleared the aforesaid examination, including the typewriting test, only thereafter, i.e., after 30.6.1988. In view of this position, the learned counsel cannot successfully raise the presumption that the indication with regard to the order of preference was sought from her on the basis that she had already been selected for a post falling in that group.

4. In regard to the scheme of examination contained in the rule position reproduced above, however, we find, *prima facie*, substance in learned counsel's argument that

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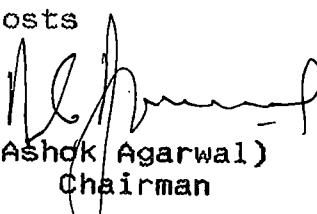
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typewriting test, being a qualifying test only, the marks awarded in that test could not be counted for determining the merit of the applicant for the purpose of her appointment against a group "X" post. That being the position, we find, *prima facie*, substance in the plea advanced by the learned counsel that having regard to the fact that the applicant had successfully cleared the test, specific reasons needed to be assigned at the time of rejecting her claim.

5. In the light of the foregoing and having special regard to the plea taken that no reason whatsoever has been assigned for applicant's non-selection against group "X" or group "Y" posts (A-1), we proceed to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to reconsider the decision taken by them and pass a supplementary order giving detailed reasons for not selecting the applicant for appointment against any of the group "X" or group "Y" posts. This be done within a maximum period of two months from the date of receipt of a copy of this order.

6. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/