

**Central Administrative Tribunal
Madras Bench**

OA/310/00512/2013 & OA/310/00853/2013

Dated the 3rd day of March Two Thousand Twenty

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

1. A.Farzana .. Applicant in OA 512/2013

2. Miss.A.Shryne UI Aashyes Banu ..Applicant in OA 853/2013

By Advocate **M/s.Karthik Mukundan & Neelakantan**

Vs.

1. Union of India, through the
Government of Puducherry,
rep. by the Special Secretary to Govt.,
DP&AR, Chief Secretariat,
Puducherry.

2. The Sepcial Secretary to Govt.(Revenue)-cum-Collector,
Department of Revenue & Disaster Management,
Saram,
Puducherry. ..Respondents in both the OAs

By Advocate **Mr.R.Syed Mustafa**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OAs are filed seeking the following relief(s):-

“To set aside Order No.A.34012/14/2020/DP&AR(Exam) dated 18.12.2012 issued by the First Respondent in so far as it fails to include the name of the applicant and consequently direct the First Respondent to include the name of the applicant in the select list for Backward Class Muslim at the appropriate place keeping in view the marks obtained by her in the competitive examination and further appoint her as a Store-Keeper Grade-III with all consequential benefits flowing therefrom including monetary benefits and pass such further or other orders as may be deemed fit and proper in the interest of justice.”

2. As the issue involved in all these applications is identical and the relief sought for also is similar, these applications have been heard together and are being disposed off by this common order.

3. The applicant in OA 512/13 belongs to 'Dekkani Muslim' Community and the applicant in OA 853/13 belongs to 'Lubbai Muslim' Community. According to the applicants, they belong to Backward Class Muslims and they are entitled to get reservation as Backward Class Muslims in the appointments in Pondicherry. According to them, the respondents had issued a notification on 02.12.2011 inviting applications for the post of Lower Division Clerk, Store Keeper Grade-III, Junior Clerk and Typist under the department of Personnel and Administrative Reforms, Personnel Wing of Puducherry Government. According to the applicants, they have applied for the post of Store Keeper Grade III by giving an online application. When

the online application was filled up, they have shown themselves under the category as OBC as per the certificates issued to them by the respondents' department. The respondents had declared the results on 18.12.12 and select-list was published. When the applicants found that they were not selected to the post under the BCM vacancies and another person was selected under the BCM category, they immediately prepared a representation to the respondents stating that the certificates issued by the Revenue Department shows them as OBC Muslim and it is because of that they had submitted their online application showing them as OBC. As per the Government order G.O.Ms.No.8/2010/WEL/SW-V dt. 28.8.2010 of Government of Puducherry, 2.5.% reservation is given to BCM among the OBCs. According to them, as per the certificate issued by the Revenue Department, they were shown as OBC only. It is not their fault. The Revenue Department ought to have given them the certificate showing them as BCM and it is because of that they could not file application showing the category as BCM. The respondents have not considered the representation stating all these facts and hence they seek to get the relief as claimed in this OA.

4. The respondents entered appearance and filed a detailed reply stating that for the post of Store-Keeper there existed 2 vacancies in the category of BCM. The applicants have applied to the said post showing themselves as OBC. According to the respondents, since the recruitment was online and it was for the first time online applications were called for, the applicants were given opportunity to correct the mistakes like spelling mistake in the name, change of community etc. and many of

the candidates have come forward and corrected their details and thereafter the data base was closed and Hall Tickets were issued. On the basis of complaint issued, the Tahsildar, Taluk Office, Oulgaret, Puducherry had conducted an enquiry regarding the matter and it came out that the Pondicherry Government has issued a OBC Certificate for the purpose of recruitment other than for Pondicherry Government and the applicants ought to have produced the BCM Certificate for the purpose of getting reservation in the vacancies of Union Territory of Puducherry. Instead of producing the same, the applicants have applied showing themselves as OBC and their applications cannot be re-opened. The certificate produced in this case cannot be stated as wrong certificate as for Central Government jobs Muslims are treated as OBC and it is only for the appointment in Puducherry service BCM reservation is available. So, it cannot be stated that the mistake was due to the certificate issued by the Revenue Department.

5. We have heard both sides. The recruitment to any vacancies is done on the basis of notification issued by the department and they cannot change the procedures in the midst of selection and there is no scope for adding some more candidates after the selection process has begun. The respondents in this case is stating that they had given ample opportunity to the candidates if any mistake has happened in the online application. The applicants in this case had to fill up details of the applicants online and thereafter they have to take a printout of the application and submit to the department for issuing Hall Tickets. The applicants in these cases very well know that they belong to 'Dekkani Muslim' Community as well as 'Lubbai Muslim'

Community. It is for the applicants to immediately correct the same and produce the certificates as and when called for. In the absence of such a procedure done by the applicants, it is only normal that representation submitted after publication of the result was not considered. The applicants ought to have immediately brought the matter to the notice of the concerned authority before the data base is closed and make necessary corrections. The applicants in these cases did not do the same and the applications was considered treating them as OBCs. They have not come up in the merit in the OBC category. Now, they cannot claim that they are BCM candidate and they should be selected on the basis of reservation given for BCM.

6. In view of the above, we find that there is no arbitrariness or illegality on the part of the respondents in the selection process. So, we find no merit in the contention put forward by the applicants in these cases. Accordingly, the OAs will stand dismissed. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

03.03.2020

/G/