

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00017/2020

Jabalpur, this Tuesday, the 03rd day of March, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER



Jitendra Singh Chouhan, Aged about 44 years,
 S/o Shri Niranjan Singh Chouhan Occupation Senior Accountant,
 O/o Controller of Communications Account,
 Department of Tele Communications, M.P. Circle,
 Bhopal R/o Type 2/II, P&T Colony Bhadhhada Road,
 Bhopal (M.P.)

-Applicant

(By Advocate – **Shri Sanjay Singh**)

V e r s u s

1. Union of India, Through The Secretary,
 Ministry of Communications, Department of Post,
 Postal Accounts Wing, Dak Bhawan, New Delhi PIN Code 110001

2. The Controller General, Communications Accounts,
 NICF Campus M.G. Road, Opp. Metro Pillar No.152
 Ghitorni New Delhi Pin Code 110047

3. The Controller Communications Accounts Madhya Pradesh,
 M.P. Circle Bhopal PIN Code 462001

- **Respondents**

(By Advocate –**Shri S.P.Singh**)

O R D E R (ORAL)

By Navin Tandon, AM:-

The applicant is aggrieved that even though the syllabus for Limited Departmental Competitive Examination (LDCE) stated some books to be allowed to be in the examination hall, no books of Hindi language was allowed.

2. The respondents had notified on 02.04.2018 regarding holding of LDCE exam for promotion of Assistant Accounts Officer, Group B. They had issued the syllabus on 04.04.2018 (Annexure A-3) wherein the candidates were allowed to take certain books in the examination hall which were specified for each paper separately. The examination was held from 05.07.2018 to 08.07.2018 and the results were declared on 01.10.2018 (Annexure A-4). Admittedly, the applicant was not successful.

3. The applicant has submitted his representation dated 27/29.11.2018 (Annexure A-5) giving details of several irregularities regarding the holding of the said examination



including the fact that he was not allowed to take books of Hindi inside the examination hall.

4. He has prayed for the following relief in this Original Application.

“8. Relief Sought:-

8(i) This Hon'ble Tribunal may kindly be pleased to direct the respondent No.2 to consider and decide the pending representation of the applicant within stipulated period.

8(ii) Any other relief or relief's, order or order's, direction or direction's, which this Hon'ble Tribunal deems fit and proper, may kindly be issued including cost of the petition.”

5. Learned counsel for the applicant submitted that the only relief he is seeking is that his representation may be decided in a time bound manner.

6. We have considered the matter.

7. It is seen that the syllabus was issued on 04.04.2018 and the examination was held from 05.07.2018 to 08.07.2018 which means that the applicant had about three months in which he could have raise the objection regarding Hindi books.



8. Further, the result has been declared on 01.10.2018 (Annexure A-4), wherein his name does not feature amongst the successful candidates. Now after appearing in the said examination and having been declared unsuccessful, he has raised the objection regarding conduct of the examination.

9. Hon'ble Supreme Court has held in a catena of cases that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same after being declared as unsuccessful.

[See: **Union of India vs. Vinodh Kumar**, (2007) 8 SCC 100; **Amlam Jyoti Borooah vs. State of Assam and others**, (2009) 3 SCC 227.]

10. Accordingly, in view of the above settled position of law, there is no merit in this Original Application, hence this Original Application is dismissed in limine.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member