



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 384/2015

This the 17th day of February, 2020

**Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Pravin Kumar Gond,
S/o Pheku Lal Gond,
R/o Gram Naika Maheen
Post Jhusi Allahabad

(Age: 29 years approx..)

(Candidate towards the post of Welfare Officer Grade-II
in Department of Social Welfare, GNCT of Delhi)

...Applicant

(By Advocate: Sh. Ajesh Luthra)

VERSUS

1. Govt. of N.C.T. of Delhi
Through the Chief Secretary,
5th Floor, Delhi Sachivalaya, New Delhi
2. Delhi Subordinate Services Selection Board,
Through its Chairman
Govt. of NCT of Delhi,
F-18, Karkardooma
Institutional Area, Delhi-92.
3. The Principal Secretary
Department of Social Welfare
GNCT of Delhi
GLNS Complex, Delhi Gate,
New Delhi

...Respondents

(By Advocates: Sh. Amit Anand)

ORDER (Oral)



Hon'ble Mr. Ashish Kalia, Member (J):

Sh. Ajesh Luthra, learned counsel appeared on behalf of the applicant. Sh. Amit Anand, learned counsel appeared on behalf of the respondents. Following reliefs were sought by the applicant in the present OA:-

“(a) quash and set aside the selection process being conducted by respondents towards the posts of Welfare Officer, Grade-II, Department of Social Welfare, GNCT of Delhi (Post code 148/2014)

(b) direct the respondents to conduct the written examination afresh by including section B of the syllabus (i.e. post specific subject related questions)

and

(c) then proceed further will all other requisite formulation/selection process and appoint the applicant in accordance with the merit position so obtained.

(d) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.

(e) award costs of the proceedings”

2. Respondents have advertised the several vacancies for different posts in Advertisement No.01/14. The applicant, in the present OA, is concerned about the Post Code:148/14 Welfare Officer Grade-II in the Department of Social Welfare and the essential qualification for the eligible candidates is



1. Post Graduate degree in social work from recognised University or 2. M.A. (Sociology) from a recognised University. The applicant has applied for the same and he has not been selected in the said selection process, which has been challenged before this Tribunal in the present OA.

3. The basic contention raised by learned counsel for the applicant is that the criteria adopted by the respondents for selecting the candidates and mysterious as in Annexure-A/1, wherein the Post Code:148/14 along with the other Post Codes such as 64/14, 65/14, 68/14, 71/14 are much lower post where matic is basic qualification whereas the Post Code of Welfare Officer is much higher in that cadre.

For selection, the examination should have contained the S.No. 2 of Annexure A/1, i.e., A) 1. General Awareness, 2. General Intelligence & Reasoning Ability, 3. Arithmetical & Numerical Ability, 4. Test of Hindi Language & Comprehension and 5. Test of English Language & Comprehension (which are of 100 marks) and B) Objective type multiple choice questions on the subject concerned as per the qualification prescribed for the post (which is of 100 marks), whereas the respondents have adopted the methodology for selecting the candidates as per



S.No. 1 of Annexure -A/1, i.e., 1. General Awareness, 2. General Intelligence & Reasoning Ability, 3. Arithmetical & Numerical Ability, 4. Test of Hindi Language & Comprehension and 5. Test of English Language & Comprehension (which are of 40 marks each).

4. The applicant is aggrieved of those persons, who may have become eligible, by taking a relax standard of examination. On the contrary, the respondents have filed the detailed counter reply, in which para 4.8 to 4.11 is more pertinent, reads as under:-

“4.8-4.11 That in reply to the contents of corresponding paras it is submitted that The content of this para is misleading hence, denied. The said examination scheme is for One Tier Examination. The examination scheme is devised as per the requirement/nature of the Job and it has been divided mainly in two parts (i) General and (ii) Technical. The subject specific questions are being asked in the examination of Technical posts only where weightage in the specific subject as per nature of the post is being asked. While no subject specific question is being asked for the selection to the posts who are General in nature as per the Job requirement. The examination scheme for this post is One Tier (General) which was given in the Advertisement. Further, it was clearly mentioned in the Advertisement that examination scheme of the said post is One Tier (General) and as per New Examination Scheme, available on the website of the Board, no subject specific question is being asked. Since, the scheme was advertised with the advertisement, It cannot be said that there is any kind of illegality as there is no change in the scheme after the advertisement. Candidate should prepare for the exam as per the examination scheme.”



5. After considering rival contention, this Tribunal is of the view that selecting candidates by adopting the methodology in consonance with the Recruitment Rules would be questioned.

6. Once the applicant put appearance and could not succeed in terms of OA No. 2179/2014, which was pronounced on 18.09.2018 by this Tribunal, reads as under:-

“9. xxx xxx xxx

*The law is fairly well settled in this regard. If the rules or guidelines of selection for appointment are indicated in the recruitment notification, a candidate who participated in the selection cannot assail the same when it is found that he is not selected. In a way, the principle of estoppel operates against him. In other words, if he had any objection to the selection process, he is required to approach the Court or Tribunal, well in advance, and before participation. He cannot challenge the conditions after conclusion of the selection process. Reference in this context can be made to the judgments of Hon'ble Supreme Court in **Madan Lal & Ors. vs. State of Jammu and Kashmir & Ors** 1995 (3) SCC 486; **Chander Prakesh Tiwari & Ors. v. Shakuntla** 2002 (6) SCC 127; **Vijendra Kumar Verma v. Public Service Commission, Uttarakhand and Others** (2011) 1 SCC 150, to mention a few.”*

In **D. Sarojakumari Vs. R. Helen Thilakom & Ors.** (2017) 9 SCC 478 dated 13.09.2017 in Civil Appeal Nos. 8345-8346 of 2009, the Hon'ble Apex Court held as follows:-

“11. As far as the present case is concerned an advertisement was issued by Respondent No.6 inviting applications for the post of Music Teacher in



Samuel LMS High School. Respondent No.1 did not raise any objection at that stage that the post could not be filled in by direct recruitment and she should be considered for promotion. Not only that, she in fact, applied for the post and took part in the selection process. After having taken part in the selection process and being found lower in merit to the appellant, she cannot at this stage be permitted to turn around and claim that the post could not be filled in by direct recruitment. The reasoning of the learned Single Judge in rejecting the objection is not in consonance with the law laid down by this Court. In view of this we need not go into the other issues raised.”

Therefore, this present OA is having no merit whatsoever. This has been clarified itself at the time of advertisement, the applicant has not questioned anything at the relevant point of time but after he was declared unsuccessful, he has raised such pleas.

7. Accordingly, the OA stands dismissed. No order as to costs.

(Mohd. Jamshed)
Member (A)

(Ashish Kalia)
Member (J)

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