



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4508/2017
MA 805/2018

Reserved on: 30.01.2020
Pronounced on: 10.02.2020

Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Ankur Kumar,
S/o Bhavishya Ray,
R/o & P at Lewapur Mahnar,
Dist. Vaishali.

... Applicant

(By Advocate: Mr.Ajay Kumar)

VERSUS

1. Union of India
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance
and Pension, North Block,
New Delhi.
2. Staff Selection Commission,
Through its Chairman (Headquarter),
Block No. 12, CGO Complex,
Lodhi Road, New Delhi.
3. Staff Selection Commission (Northern Region),
Through its Regional Director,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi.
4. Staff Selection Commission (Western Region),
Through its Regional Director,
1st Floor, Old CGO Building,
Pratistha Bhawan, South Wing,
M.K.Road, Mumbai-400 020.

... Respondents

(By Advocate: Mr. K.M.Singh)



ORDER

Hon'ble Mr. S.N. Terdal, Member (J):

We have heard Mr. Ajay Kumar, counsel for applicant and Mr. K.M.Singh, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- “(i) To set aside the online scrutiny sheet dated 29.11.2017 to an extent that it declares that the applicant do not possess essential qualification within the stipulated date and direct the respondents to subject the applicant to typing test and if the applicant qualify the same then to further direct the respondents to give the appointment to the applicant as per merit in the Combined higher Secondary Level (10+12 Examination 2016 with all consequential benefits including seniority & promotion and pay & allowances.
- (ii) To direct the respondents to restore the candidature of the applicants in the ongoing selection process of CHSL Examination-2016.
- (iii) Accord all consequential benefits.
- (iv) Award costs of the proceedings.
- (v). To set aside the order dated 28.12.2017 whereby the candidature of applicant in selection process CHSLE-2016 has been cancelled and to further direct the respondent that candidature of applicant be restored.



Or

- (i) Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that the applicant successfully passed the written examination of Combined Higher Secondary Level (10+2) Examination-2016 conducted by the respondent-Commission. He was called for documents verification before he was subjected to skill test (typing test) on 29.11.2017. At the time of verification of his documents it was noticed that his education qualification namely the Bihar School Examination Board certificate and the marks statement documents were dated 15.11.2017 which were of the date beyond the crucial date of 01.01.2017 fixed by the Commission as per the recruitment advertisement and also on the ground that he had also not produced the original documents as such he was not permitted to appear in the skill test as per para 8 of the recruitment notification. The averments made in the counter in the reply in this regard are extracted below:-

"4. Shri Ankur Kumar (Roll No. 7002720464), OBC category candidate appeared in Written examination of Combined Higher Secondary (10+2) Examination as per schedule fixed by the Commission. Based on results in Objective Paper (Tier-1) and Descriptive Paper (Tier-II) Examination, the answering Respondent, Staff Selection



Commission issued communication dated 07.11.2017 (Annexure A) to the Applicant Shri Ankur Kumar to appear for Document Verification and Skill Test (Typing Test/DEST) on 29.11.2017. In the instant matter, while scrutinizing the documents on the schedule date, the Applicant produced the Educational Qualification (Board Certificate of 12th Standard & Marks Statement of 12th Standard) dated 15.11.2017 which were of beyond the crucial date i.e. 01.01.2017 fixed by the Commission. The crucial date prescribed in the Notice of Combined Higher Secondary Level Exam-2016 for possessing Educational Qualification was 01.01.2017. Applicant did not produce requisite Educational Qualification certificates within the cut-off date as prescribed by the Commission for considering him eligible for any post. Therefore, candidature of the Applicant has not been accepted and it was cancelled on this ground. As the applicant was not fulfilling the eligibility criteria on crucial date i.e. 01.01.2017, he was not allowed to participate in further stages of Examination."

The relevant portion of para 8 of the recruitment notification is extracted below:-

"8..... **All candidates who are called for appearing at the Typing Test/Skill Test will be required to produce the relevant Certificate in Original such as Mark sheets, Provisional Certificate, etc.** as proof of having acquired the minimum educational qualification on or before 01.01.2017 failing with the candidature of such candidate will be cancelled by the Commission. The candidates who are able to prove, by documentary evidence that the result of the qualifying examination was declared on or **before the cut off date i.e. 01.01.2017** and he/he has been declared passed, will also be considered to have the required Educational Qualification."

(Emphasis supplied)



4. The counsel for the applicant vehemently and strenuously submitted that the applicant had appeared in the relevant examination of 2012 and he was issued the intermediate examination certificate on 05.06.2012 but, however, as he had lost that certificate he had applied for a duplicate of the said certificate and he secured the duplicate of the said certificate of the examination held in 2012 on 15.11.2017, as such he should be treated as having minimum qualification before the cut off date.

5. From the perusal of the said para 8, it is clear that the candidates should have acquired the minimum educational qualification before the cut off date. In the present case the applicant having appeared in the said qualifying examination in the year 2012, submitted that he has acquired the said minimum educational qualification in the year 2012 itself as per Annexure A-7, but as the original of the said Annexure A-7 was lost, he secured a duplicate of the same and the said duplicate is dated 15.11.2017 and only on the basis of the said duplicate the respondents arbitrarily without examining the real facts held that the applicant acquired the minimum educational qualification as on 15.11.2017 and, therefore, it is beyond the cut off date 01.01.2017. In this case on 10.12.2017, the respondents submitted that in case



the applicant was to succeed in this OA, the respondents would conduct typing test in accordance with rules. The relevant portion of the order is extracted below:-

“Learned counsel for the respondents submitted that if the applicant succeeds in the OA, the respondents would conduct typing test in accordance with the rules.”

6. In the peculiar facts and circumstances of the case, the ends of justice would be met by allowing the applicant to produce the original documents and to prove as per Rule 8 extracted above regarding he having acquired the minimum educational qualification before the cut off date. Accordingly, OA is disposed of by setting aside the impugned order dated 28.12.2017 and permitting the applicant to submit a comprehensive representation along with all the original certificates within one month from the date of receipt of certified copy of this order. In case, such representation is submitted, the respondents are directed to dispose of the said representation by a reasoned and speaking order within two months thereafter with all consequential benefits including permitting to appear in the trade test. No order as to costs.

(Mohd Jamshed)
Member (A)

(S.N.Terdal)
Member (J)

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