

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1024/2001

This the 21st day of November, 2001.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULIP SINGH, MEMBER (J)

Vijay Pal S/O Ratan Lal,
R/O H.No.1164-A/34, Jatav Mohalla,
Najafgarh, New Delhi-110043.

... Applicant

(By Shri A.K.Sharma, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi-110001.

2. Commissioner of Police Delhi,
Police Headquarters, I.P.Estate,
New Delhi-110002.

... Respondents

(By Shri Ajay Gupta, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

The applicant who had applied for the post of Constable (Executive) in Delhi Police-1998 (Phase-II) and had been earlier on declared successful for medical examination has assailed Annexure A-1 order dated 19.1.2001 whereby he has been declared to have failed to make the grade in the merit list and declared disqualified on re-checking of interview sheets and after rectification of errors/omissions therein, and the applicant's candidature for the said post was cancelled.

2. The learned counsel of the applicant Shri A.K.Sharma contended that the respondents have not assigned any plausible reason for the alleged

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disqualification of the applicant and that their action is mala fide and arbitrary.

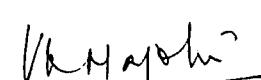
3. Shri Ajay Gupta, learned counsel of the respondents contended that whereas the applicant, as per information provided by him in his application, belongs to Scheduled Caste (SC), he had been declared qualified for medical examination treating him to be a candidate from Scheduled Tribe (ST). He further stated that the cut off marks (minimum qualifying marks) for the categories of SC and ST were worked out to be 56.11 and 48.15 respectively. After declaration of the result of interview, it came to notice that there were a few errors/omissions in the interview sheets and the chairman of the recruitment board decided to re-check all the interview sheets. On re-checking of the interview sheets in respect of all interview boards, various errors/omissions were rectified. After rectification of errors/omissions the cut off marks (minimum qualifying marks) of the categories of SC and ST were worked out to 56.15 and 48.15 respectively. The learned counsel stated that the reason for disqualification of the applicant was that he belongs to SC category but was treated as ST candidate inadvertently. Consequent upon correction of the error, it was found that the applicant had failed to make the grade in merit. Thus, in the result declared on 26.9.2001 after rectification of errors/omissions the applicant was not called for medical examination. However, in pursuance of interim order dated 26.4.2001 in the present OA, the applicant was called for medical examination.

4. We have perused the records of the selection in question produced by the respondents. We find from the records that the applicant had stated in his application that he belonged to Jatav caste which is a notified SC for the Union Territory of Delhi. However, the applicant was treated as a member of ST.

5. We have also satisfied ourselves as to the cut off minimum qualifying marks for the categories of SC and ST as 58.15 and 48.15 respectively. The applicant had scored only 39 marks. Obviously he has not been able to make the grade as a SC candidate.

6. Having regard to the reasons recorded and discussion made above, the applicant has not been able to establish his case and we do not find any infirmity in Annexure A-1. The OA is accordingly dismissed. No costs.


(Kuldip Singh)
Member (A)


(V.K. Majotra)
Member (A)
21.11.2001

/as/