

Central Administrative Tribunal
Principal Bench

O.A. No. 1824 of 2001

New Delhi, dated this the 6th March, 2002.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Rohit Chauhan,
Roll No. 229629,
S/o Shri Rajinder Singh Chauhan,
R/o RZ-16A/15F, Gali No. 3,
Main Sagarpur,
New Delhi. ...Applicant.
(By Advocate: Shri Sachin Chauhan with
Shri Rajeev Kumar)

Versus

1. Union of India,
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Dy. Commissioner of Police,
2nd Bn. DAP,
New Police Lines,
Kingsway Camp,
Delhi. ...Respondents
(By Advocate: Mrs. Jasmine Ahmed)

ORDER (oral)

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 19.1.2001 (Annexure A-1) and seeks a direction to respondents to offer appointment to him in Delhi Police as Constable (Exe) with consequential benefits. Alternatively he seeks to set aside the selection process of the respondents for appointment to the post of Constable (Exe) in Phase II of the year, 1998 and a direction to respondents to make fresh selection allowing applicant's participation with relaxation of age limit.

2. Heard both sides.

3. Pleadings reveal that during the year 1998 (Phase II) an advertisement to fill up 1643 vacancies (General 422, SC 80, ST 700, OBC 441 including 10% of Ex-Servicemen) of Constable (Exe) in Delhi Police was published in Daily News Papers dated 19.9.98 and Employment News dated 26.9.98 and 2.10.98. In response to advertisement, nearly 89,441 application forms were received and after scrutiny of the same, ~~approximately~~ 72,611 candidates were called for physical test held from 24.10.99 to 7.12.99. Out of these 41,890 candidates were declared qualified for written test. The written test of all eligible candidates was held on 27.2.2000 and 2.4.2000. The candidates belonging to Ex-Servicemen category were exempted from written test. The result of the written test was declared on 8.5.2000 and ~~in~~ total of 3446 candidates were qualified for personality test. The candidates appeared in interview along with 342 Ex-Servicemen between 25.5.2000 and 2.6.2000 and their results were declared on 3.6.2000 and 1573 candidates (Genl.422, SC 80, ST 630, OBC 441) including applicants were declared qualified for medical examination.

4. Applicant belongs to general category and cut off marks for general category were 58.58. It is not denied that applicant secured 58.66 marks including 13.16 marks for interview and thus secured more than the cut off marks. However, after the declaration of the result of the interview, respondents came to know that there were some errors/omissions in the interview sheet as a result

of which the same was directed to be rechecked. Accordingly all the interview sheets were rechecked and the errors/omissions were rectified and cut off marks in general category were ^{now} 58.58. As applicant's marks even after rechecking continued to remain 58.66, his marks thus fell below ^{the} minimum cut off marks as a result of which he could not be selected. We notice that this very issue came up before Division Bench in OA No.1024/2001 Vijaypal Vs. UOI & Ors. which was dismissed vide order dated 21.11.2001 holding that there was no infirmity in the selection process. Again the same issue came up in OA No.884 of 2001 Narender Singh Sirohi Vs. UOI & Ors. which was also dismissed vide order dated 21.2.2002 holding that there was no infirmity in the selection process.

5. In the grounds taken in the OA it been contended that the entire selection process is illegal; that the impugned order cancelling applicant's candidature is arbitrary; that no details have been recorded as to what were the errors or omissions which warranted rechecking of the interview sheets; and that no show cause notice was given to applicant before the earlier was cancelled.

6. In our view none of these grounds are sufficient to warrant interference in the OA. It is well settled that mere placement in a panel itself does not entitle applicant to appointment, and if it came to notice that certain errors or omissions had occurred in the interview sheets, ^{and} respondents decided to recheck the same, their action cannot be faulted.

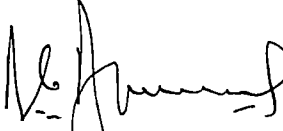
12


4

We have already noted the two Division Benches' orders who held that there was no infirmity in the action taken by the respondents and we see no good reason to differ with ^{the}that conclusion.

7. During ^{the} course of hearing, applicant's counsel Shri Chauhan stated that as the marks obtained by applicant and recorded in the interview sheet had undergone a change, it was not unlikely that applicant's own marks might also undergo a change. No materials were placed before us during ^{to show} hearing ^{that} the marks secured by applicant i.e. 58.66 including 13.56 in interview, had undergone a change during course of rechecking. We call upon respondents to show applicant's counsel details of the marks obtained by applicant in the written test as well in interview to satisfy him. This will be done within 2 weeks from the date of receipt of a copy of this order.

8. Subject to what has been stated above, the OA is dismissed. No costs.


(Ashok Agarwal)
Chairman


(S.R. Adige)
Vice Chairman (A)

/ug/