

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A.NO.2952/2001

Thursday, this the 17th day of January, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.P. Agrawal, Member (A)

Devendra Kumar
S/O Shri Shiv Nandna Roy
Resident of M-3/15, Sahdeo Mahton Marg,
S.K.Puri, Patna
P.S. S.K.Puri, Town & District- Patna

..Applicant

(By Advocate: Ms. Kamlesh Jain)

Versus

1. Union of India
Department of Labour
Through its Secretary
New Delhi
2. Union Public Service Commission
through the Secretary
New Delhi

..Respondents.

(By Advocate: Shri R.N.Singh for Shri R.V.Sinha)

O R D E R (ORAL)

Hon'ble Shri S.K. Agrawal, M (A):

The respondents had made an advertisement in the Employment News calling for applications for the post of Labour Enforcement Officer under the Ministry of Labour. The applicant had also applied for that post. The applicant was admitted for recruitment test provisionally subject to the production of proof of his fulfilling the educational qualification which, as per the advertisement, were Degree in Commerce or Degree with Economics/ Sociology/Social work as one of the subjects from a recognized University or equivalent. His candidature was provisional as it was not very clear from the information given by the applicant in his application form whether he is fulfilling the educational qualification or not. In the meanwhile, the UPSC conducted the recruitment test for



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the said post and the applicant appeared and qualified for the same.

2. The UPSC thereupon sent a communication to the applicant vide letter dated 4.7.2001 asking him to furnish the mark-sheet of B.A. Degree. On examining the mark-sheet, it was observed by the UPSC that the applicant did not fulfil the essential qualifications, hence his candidature at that stage was cancelled and he was not allowed to appear before the interview board. The applicant was also informed by the respondents regarding this fact vide registered letter dated 25.7.2001. Interviews were held from 26.9.2001 to 28.9.2001 and recommendations letters of selection were already issued through registered post on 22.10.2001.

3. The learned counsel for the applicant has, however, disputed that the letter ^{of rejection} sent by the UPSC through registered letter was not received by the applicant. In the counter reply, the respondents have given the details of registered ^{letter} ~~data~~ having been sent by the office letter No.F.1/298/98-SPC/Roll No.1414 dated 25.7.2001.

4. Having considered the rival submissions made by the learned counsel on either side, we are of the view that the applicant did not fulfil the essential educational qualifications as he did not hold the Degree in Commerce or Degree with Economics/Sociology/Social work but he had the Degree in History which was not required as an essential qualification for the said post. We are,

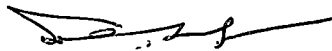
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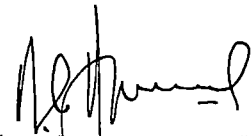
therefore, of the considered view that the applicant's candidature was rightly rejected by the UPSC.

5. Present OA, in the circumstances, is devoid of merit and is accordingly dismissed. No costs.



(S.K. Agrawal)
Member (A)

/sunil/



(Ashok Agarwal)
Chairman