

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

CA No. 2777/99

New Delhi; this the 22nd day of AUGUST, 2001

Hon'ble Mr. S. R. Adige, VICE Chairman(A)

Hon'ble Dr. A. Vedavalli, Member(J)

Raj Kumar ,

S/o Shri Late Shyama Kant Prasad,

R/o H.No. 1027,

VPO Bakhtawarpur,

Narela,

Delhi-36.

.....Applicant.

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Director of Education,
Directorate of Education,
Old Sectt.
Delhi.

2. Secretary,
Delhi Subordinate Service Selection Board,
3 Floor UTCS Building,
Institutional Area,
Behind Karkardooma Court Complex,
Shahdara,
Delhi-32.

.....Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

S. R. Adige, VC(A):

Applicant seeks a direction to respondents to appoint him as TGT(Soc.Sc.) against vacancies advertised in March, 1999.

2. Applicant's case is that in response to an advertisement which appeared in March, 1999 inviting applications for posts of TGT(Soc.Sc) and other posts, he submitted his application on 20.3.99 for the post of TGT(Social Science) in blind quota. He contends that the application form was submitted well in time by speed post from Ashok Vihar vide postal receipt (Annexure-A2). On 24.5.99 he received the acknowledgment

16

card (Annexure-A 3). When he came to know that respondents were going to conduct the test, he contacted respondents as he had not received the admit card.

3. He contends that respondents had asked all the candidates to collect the admit cards on 5th and 6th August, 1999 if they had not received them till then. He contacted them on both dates but received no response. He states that respondents later told him that as candidates in blind quota were very few, no written test would be held and only an interview would be held. However, respondents conducted written test for selection for the posts on 8.8.99, and on 15.11.99 the results were declared, but none was selected against blind quota.

4. Applicant states that he met respondents again who kept assuring him that interview letter would be sent to him, but later when his form was sought to be located, the same could not be found, and applicant was informed that he could not be selected as respondents had lost his application form. Applicant asserts that respondents lost his application form and that is why no admit card was issued to him.

5. He asserts that there is one post of TGT (Social Science) which has not been filled up as no one from blind quota has been selected as yet and prays that he be appointed against the said post.

6. Respondents in their reply challenge the OA. Apart from taking the stand that applicant cannot seek a direction for appointment, and can at best only seek consideration for appointment, ^{they} deny that blind candidates

7

4 were told that selections would be made on the basis of interview alone. They state that in actual fact written exam. was held on 8.8.99 in which many visually handicapped candidates did appear, and eventually 2 visually handicapped candidates and 8 orthopadically handicapped candidates were selected against visually handicapped quota as a result of which there is no vacancy of TGT(Soc.Sc) under visually handicapped quota at present. At one place in respondents' reply it is stated that as applicant had not mentioned the post code applied for, it was presumed that he had applied against post Code No. 6/99 (TGT blind) for which interview was held and hence he was advised to wait for the interview call letter as recruitment to Post Code No. 6/99 was made on the basis of performance in interview. However a little further down in the reply of respondents, it is stated that no application was received from him, and support is sought to be drawn from the Acknowledgement Card (Annexure-A3) from DSSSB in which it is alleged there is an interpolation, and is without a seal.

7. We have heard applicant's counsel Shri Arun Bhardwaj and respondents' counsel Shri Vijay Pandita.

8. During the course of hearing we were furnished a copy of note dated 13.3.2000 stating that applicant had not applied for the post of TGT(Blind) as per the report of the Screening Committee. Even so, in the interest of justice we hold that this matter deserves a fuller enquiry. Accordingly we dispose of this OA with a direction to Respondent No. 2 to hold a detailed enquiry and arrive at firm conclusions as to

2

98

- i) Whether applicant had applied for the post of TGT(Soc.Sc) under blind quota or any other quota in response to the advertisement issued in March, 1999.
- ii) Whether that application was received within the prescribed time limit, and if so the action taken thereon.
- iii) On what basis was it assumed that applicant had applied against post code No.6/99, and applicant was advised to wait for the call letter.
- iv) Whether the post of TGT(Soc.Sc) under blind quota was to be filled up on the basis of written exam. and interview, or interview alone, and if it was to be filled on the basis of interview alone, why applicant was not called for the interview.
- v) If applicant's non-consideration for selection against the post of TGT(Soc.Sc) in blind quota was because of negligence of Respondent No.2, applicant's case for consideration against such a post could be considered even at the stage in accordance with rules and instructions by the respondents.
- vi) In case negligence on the part of functionaries in organisation of Respondent No.2 is established, suitable departmental action against those at fault should be taken in accordance with rules/instructions.
- vii) The enquiry should be completed within 4 months from the date of receipt of a copy of this order and applicant be apprised of findings forthwith thereafter.

9. In the event the findings in the inquiry gives applicant any cause for action it will be open to him to agitate the same in accordance with law, if so advised.

19

10. The OA is disposed of in terms of paras 8 and 9 above. No costs.

A. K. Davalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

(S. R. ADIGE)
VICE CHAIRMAN (A)

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