

Central Administrative Tribunal  
Principal Bench

O.A. No. 1827/98

Decided on 15.10.99

Ms. Madhu ... Applicant

(By Advocate: Shri V.S.R. Krishna )

Versus

NCT of Delhi & Anr. ... Respondents

(By Advocate: Shri Raj Singh )

CORAM

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying  
benches of the Tribunal or not? NO

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

Central Administrative Tribunal  
Principal Bench

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O.A. No. 1827 of 1998

New Delhi, dated this the 15 October, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Ms. Madhu,  
D/o Shri Jwala Prasad,  
R/oC-38/C, Railway Colony,  
Lajpat Nagar-I,  
New Delhi-110024. .... Applicant

(By Advocate: Shri V.S.R. Krishna)

Versus

Government of NCT of Delhi through

1. The Chief Secretary,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi.
2. The Jt. Director of Education (A),  
Govt. of NCT of Delhi,  
Directorate of Education,  
Old Secretariat,  
Delhi. .... Respondents

(By Advocate: Shri A.K. Singh proxy  
counsel for Shri Raj Singh)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to issue her the appointment order to the post of Librarian as on back date with consequential benefits.

2. Admittedly applicant's name was sponsored by the Employment Exchange, along with other candidates in general category for the post of Librarian on 2.12.96. Applicant was considered against a general category vacancy along with others in general category. Candidates awarded 87 marks and above were selected and appointed as per availability of vacancies. Applicant was awarded 74 marks and her name,

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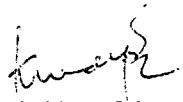


therefore did not find place in the list of candidates appointed in general category. Later on applicant gave a representation stating that she belonged to OBC category.

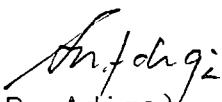
3. The department wrote to the Sub-Regional Employment Officer, R.K. Puram vide letter dated 6.2.98 (Annexure A-2) whether there was any objection to considering applicant's candidature against an OBC vacancy. The SREO in his letter dated 16.3.98 (Annexure A-2A) has conveyed his no objection.

4. The fact that applicant belongs to OBC category has not been denied by respondents. The SREO has also conveyed his 'no objection' to applicant being treated as an OBC candidate. There can, therefore be no objection to applicant being considered against an OBC vacancy and applicant cannot be penalised merely because Employment Exchange authorities sponsored her name as a general candidate.

5. This O.A., therefore, succeeds and is allowed to the extent that respondents are directed to consider issuing applicant an appointment letter for the post of Librarian against a vacancy reserved for an OBC candidate in accordance with rules and instructions within two months from the date of issue a copy of this order, with such consequential benefits as will accrue to her in accordance with rules and instructions. No costs.

  
(Kuldip Singh)  
Member (J)

/GK/

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