

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 1985/98

New Delhi: this the 17th day of May, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Kishan Chaudhary,
S/o Shri Jagpal Singh,
R/o A-28-X, DDA Flats,
Jahangipuri,
Delhi

..... Applicant.

(By Advocate: Shri B. S. Charya)

Versus

1. Commissioner of Police,
Police Headquarters, MSD Building,
I.P. Estate,
New Delhi.

2. The Deputy Commissioner of Police,
IInd Bn., DAP,
Delhi.

3. Union of India,
Ministry of Home Affairs,
Govt. of India,
New Delhi

through its Secretary.. Respondents.

(By Advocate: Shri Rajendra Pandita)

ORDER

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

Applicant seeks appointment as Constable pursuant to the test held on 12.8.98 and interview held on 10.9.98 .

2. Applicant asserts that he had obtained 58 marks out of 60 prescribed for the written exam. and 7 marks out of 15 prescribed for the interview and had he been awarded the 5 bonus marks admissible to a sports person holding certificate/Award of National level pursuant to the document, a photocopy of which has been annexed with the addl. affidavit dated 21.4.99, he would have secured 70 marks and would not have been excluded from the recruitment. In this connection applicant has

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enclosed a certificate (Annexure -P-4/2) issued by the Kanazawa's Shotokan Karate-Do Academy certifying that applicant representing Delhi Association secured 1st Position in the 50-55 weight category in the 1st All India Invitational Shotokan Karate Championship held on 15-17 November, 1994 in New Delhi.

3. Respondents assert that applicant obtained 56 marks in the written exam. and 5.83 marks in interview taking his total to 61.83 marks while those in general category receiving 66.33 marks and above were selected. They further assert that the certificate produced by applicant was not issued by any approved authority recognised by GOI vide O.M. dated 10.4.91. Furthermore it is asserted that as per para 13 (iv) of later Standing Order No.212/97 dated 29.3.97 a copy of which is taken on record only 2 bonus marks and not 5 will be granted to National Level Players, and even if applicant's certificate is recognised, he would be entitled only to 2 bonus marks and would still fall short of the minimum 66.33 marks.

4. During hearing applicant's counsel Shri Charya reiterated that his client was entitled to 5 bonus marks based on the certificates filed by him and the photocopy of the document annexed with the addl. affidavit dated 21.4.99. Respondents' counsel asserted that the same was no longer operative in view of the subsequent Standing Order No.212/97 dated 29.3.97, and we brought to Shri Charya's notice that the aforesaid document was only one page of some instructions which did not have any date, and it was not possible to state how authentic it was as there was nothing preceding it or following it to show who had issued it, Shri Charya insisted that

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respondents should be directed to produce the documents in full.

5. It is^a fundamental rule of pleadings that a party relying upon a document has prima facie to establish its authenticity and relevance. As pointed out above the document relied upon by Shri Charya and filed with the addl. affidavit dated 21.4.99 appear to be one page of a document, but the pages preceding it and following it have not been appended by applicant and the date of its issue is not known. Under the circumstance, we have no reason to doubt Shri Pandita's assertion that as per S.O.No.212/97 dated 29.3.97 which held the field at the time the written test/ interview were held, only 2 bonus marks were admissible to a National Level player and even if applicant's certificate was accepted he would get only $61.83 + 2 = 63.83$ marks and still fall short of minimum 66.33 marks necessary for being recruited.

6. Shri Charya relied upon the bonus marks given to one Ms. Seema Rani¹ on the basis of a similar certificate in Shotokan Karate by the Hanazawa's Shotokan Karate Do Academy (Copy taken on record) but from the photocopy of the marks sheet taken on record it is clear that she got only 2 bonus marks and not 5.

7. Even if applicants' assertion is accepted that he secured 58 marks and not 56 marks in written exam., he has not denied in rejoinder that he secured 5.83 marks in interview, and even if his certificate in Shotokan Karate Do Academy² is accepted, that still gives him only $58 + 5.83 + 2 = 65.83$ which still falls short of the 66.33 marks which were the minimum required for recruitment. Applicant

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has not named a single person out of that written exam./interview who was recruited despite having less than 66.33 marks in aggregate.

8. In the result the OA warrants no interference and is dismissed. No costs.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige

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

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