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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

O.A.No. 1871/93

New Delhi: this the 11th day of October, 1993

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J).

Shri Shailendra Kumar Singh,
S/O Sh.Mukhi Nath Singh,
Vill.Hardia, P.O.Siwan Kalan,
Distt.Ballia(UP)

.....Applicant

By Advocate: Shri K.K.Rai.

Versus

1. Lt. Governor,
Raj Niwas Marg,
Delhi.
2. Commissioner of Police,
Delhi Police,
Indra Prasth Estate,
New Delhi.
3. Sh.D.K.Shetty,
Addl.DCP,
New Delhi District,
New Delhi- 110 001.
4. Sh.Alok Kumar,
ACP,
Connaught Place,
New Delhi 110001.
5. Sh.A.K.Ojha, ACP
Railways,
New Delhi- 110001

.....Respondents

By Advocate: Shri Ajesh Luthra, proxy for
Ms.Jyotsna Kaushik.

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

The applicant's candidature for interview for the post of Constable Delhi Police on the basis of recruitment conducted in the Varanasi Police Line on 28.8.93 despite of his having qualified in the written examination, appears to have been cancelled on two grounds, namely

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(i) The applicant claimed to be domiciled in UP State but produced Matriculation Certificate from Bihar State;

(ii) He failed to mention the name of the Employment Exchange in the space provided below the Note under Column 3.

2. In so far as (i) above is concerned, it appears that vide Teleprinter Message dated 16.8.93 (Annexure-R4) the Commissioner of Police had informed the concerned authorities that the recruitment parties would be reaching the respective places of recruitment as per prescribed schedule and stating further that the candidate should belong to concerned State where the recruitment is taking place and should have acquired the required educational qualification from the State. This teleprint/message refers to letters dated 14.7.93 and 9.8.93 which laid down the eligibility conditions for recruitment as Constable (Executive) Delhi Police but as correctly pointed out by the applicant in his rejoinder, ^{in those letters} nowhere permits the Commissioner of Police to debar a person from recruitment merely on the ground of ^{his} having obtained his Matriculation Certificate from a different State. In view of the fact that the applicant had produced a Domicile Certificate dated 16.8.93 (Annexure-A1) to the effect that he is a permanent resident of Ballia Distt. in UP, the applicant's case for appointment to the Delhi Police on the basis of special recruitment

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held in Varanasi (UP) could not be rejected merely because he had obtained his matriculation certificate from Bihar State.

3. In so far as (1i) above is concerned, the Note below Column 3, nowhere calls for the name of the Employment Exchange where the applicant had registered himself. The words used in Hindi 'ROZGAR KARYALYA KI SANKHAYA AVAM TITHI NAAM PANJIKARAN' which translated, read as follows:

"Date and Registration number of the applicant in the Employment Exchange."

Against that the applicant has given the figure 7359/93. A true copy of the Employment Exchange Certificate where the applicant had registered himself, has also been given. In any case, if the respondents had any doubt as to which the applicant had registered himself, it was open to them to have summoned the applicant along with his certificate in original and satisfied themselves on that account, instead of summarily rejecting his application.

4. Under the circumstance, this OA is allowed to the extent that without rejecting the applicant's candidature ^{for interview} merely because he has produced his matriculation certificate from Bihar State, if the respondents are otherwise satisfied on the basis of Domicile Certificate that he is domiciled in Ballia Distt (UP) and has a valid registration in the Employment Exchange and furthermore, has not tried to

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appear as a candidate from more than one place in the 1995 Examination, and is otherwise qualified and eligible in all respects they should interview him for the post of Constable in the Delhi Police on the basis of the special recruitment held in Varanasi in August, 1995, within 2 months from the date of receipt of a copy of this judgment. No costs.

A. Vedavalli
(DR.A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S.R. ADIGE)
MEMBER (A).

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