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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A.No.2067/95

2) O.A.No.2800/97

New Delhi: this the 25th day of MAY ,1999.

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

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

Shri Rajesh Kumar Sharma,
S/o Shri Roshan Lal Sharma,
R/o W-623/2, Arvind Nagar,
Ghonda,
Delhi -053. ..... Applicant.

(By Advocate: Shri K.N.Bahuguna)

Versus

1. Govt. of NCT of Delhi,
through its
Chief Secretary, 5, Shamnath Marg, Alipur Road,
Delhi .

2. Directorate of Education,
through its Director,
Old Secretariat,
Delhi -54 ..... Respondents.

(By Advocate: Shri Ajesh Luthra & Sh. Rajinder Pandita)

ORDER

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

As these two OAs are related to each other, they are being disposed of by this common order.

2. In OA No.2067/95 applicant seeks appointment as PET pursuant to the advertisement dated 31.5.94 (Annexure-A1) issued by respondents. Admittedly, pursuant to that advertisements applicant submitted his application on 9.6.94. The aforementioned advertisement prescribed that candidate would have to be

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registered in the local Employment Exchange on 31.5.94 and the last date for receipt of applications was 19.6.94. Subsequently a corrigendum was also issued on 11.6.94 (Annexure-A2).

3. Instead of holding any test/interview, respondent appointed candidates on the basis of marks awarded for their academic qualifications. Applicant submits that the cut off marks for recruitment to PET was 67 marks and he claims to have been entitled to 69 marks. In these 69 marks, applicant includes 5 marks for having obtained MPED, but respondents in their reply have stated that applicant obtained MPED qualification in June,1995, that is much after the last date for receipt of application for vacancies advertised on 31.5.94. Nothing has been shown to us to establish that applicant obtained MPED qualification before the last date for receipt of applications pursuant to the advertisement dated 31.5.94 i.e. on or before 19.6.94, and this assertion of respondents has also not been satisfactorily rebutted by applicant in rejoinder. Hence, applicant is not entitled to the 5 marks for securing MPED and he therefore totals only 64 marks against the cut off marks of 67 in that recruitment.

4. In OA No.2800/97 applicant similarly seeks appointment as PET against fresh advertisement for the post of PET issued by respondents in 1996. He contends that having secured 69 marks he is entitled to be selected. Respondents contend that those candidates with 69 marks, but with date of birth upto 20.2.72 have been appointed, and applicant's case was also considered, but as his date of birth is 1.5.72 he could not be appointed, going by the principle that

amongst those with equal cut off marks, the older candidates would be appointed.

5. In the rejoinder, applicant has contended that different yardsticks have been applied in regard to different people and has given the example of one Shri Dharam Bir who was appointed as PET although he had acquired M.P.Ed qualification in the year 1996. There is no averment of applicant that Shri Dharam Bir obtained M.P.Ed qualification after the last date for submission of the application against fresh advertisement for the post of PET in 1996 and from the relevant record furnished by respondents which were perused by us, it is clear that Shri Dharam Bir obtained overall 73 marks and his date of birth is admittedly 1.6.69 and he is therefore older than applicant and under the circumstances it cannot be said that respondents have violated their own norms in appointing Shri Dharam Bir. During hearing applicant's counsel Shri Bahuguna also alleged that the persons younger than the applicant, namely Shri Yogesh Kumar and Shri Pradeep who were younger than applicant had been appointed whereas applicant has been discriminated but a perusal of respondents' letter dated 5.5.97 (Annexure-A-2) makes it clear that Shri Yogesh Kumar (Sl.No.11) and Shri Pradeep (Sl.No.13) obtained overall 71 and 70 marks respectively while applicant obtained only 69 marks, Hence applicant cannot equate himself either with Shri Yogesh Kumar or Shri Pradeep.

6. Under the circumstance neither of the 2 OAs warrants any interference and both the OAs are

dismissed. No costs.

7. Let copies of this order be kept on the case record of both OAs.

(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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