

Principal Bench, New Delhi.

O.A.No.322/95

New Delhi this the 15th Day of February, 1995.

Hon'ble Sh. J.P. Sharma, Member(J)
Hon'ble Sh. B.K. Singh, Member(A)

1. Shri Radhey Shyam,
S/o Shri Shri Niwas,
R/o P.O.Kishan Pur,Barnal,
Distt.Meerut,Pin-250623(UP).
2. Sh. Dharmendra Kumar,
S/o Shri Santosh Singh,
R/o Homeopathic Ashram,
New Water Tank Road,
Shamli, Distt.muzaffarnagar(UP).
3. Sh. Sanjay,
S/o Sh. Shripal Singh,
C/o Tomar Medical Store,
Jhinghana Road,
Shamli.
4. Sh. Arun Kumar,
S/o Shri Sukhbir Singh,
R/o Vill.&P.O.Khampur,Via Jani
Distt.Meerut.
5. Sh. Umesh Kumar,
S/o Shri Mahabir Singh,
R/o Vill. Manobas,P.O. Bitobas,
Distt. Bulandshahar(UP).
6. Sh. Sanjay Kumar,
S/o Sh. Surendra Pal Singh,
R/o 705/6, Jagriti Vihar,Medical
College, Meerut.
7. Sh. Narendra Singh,
S/o Shri Anand Kumar,
99/11, Govt. Press Colony,
Aligarh.
8. Sh. Sanjay Kumar,
S/o Shri Brij Kishore,
C/o Durga Engineering Store,
Saidpur Road, Gulaathi,
Bulandshahar.
9. Sh. Rakesh Kumar,
S/o Sh. Nahar Singh,
C/o Shri Kalu Ram,
Vill.&P.O.Doghat,
Distt. Meerut.
10. Sh. Pradip Kumar,
S/o Sh. Hari Singh,
Vill.&P.O.Khera,
Distt. Meerut.

11. Sh. Ashok Choudhary,
S/o Sh. Inder Pal Singh,
Vill.&P.O.Dhanpura,
Distt. Bulandshahar.
12. Sh. Rakesh Kumar,
S/o Shri Diwan Singh,
R/o Q.No.109, Pallav Puram,
Phase-II, Meerut.
13. Sh. Sanjay Choudhary,
S/o Sh. Satyapal Singh,
R/o N.B.8/5, Modipuram,
Meerut(UP).
14. Shri Satish Kumar,
S/o Sh. Dhan Singh,
R/o Village Nagli,
Post Kurmaili,
Distt. Muzaffarnagar(UP).
15. Sh. Pushpendra Kumar,
S/o Sh. Dharampal Singh,
R/o Village Pheer Khera,
P.O. Jhigal,
Distt. Muzaffarnagar(UP). Applicants

(through Sh. J.L. Sharma with S.S.Tiwari, advocate)

versus

1. Union of India,
through Secretary,
Staff Selection Commission,
Block No.12, C.G.O. Complex,
Lodhi Road, New Delhi. Respondent

ORDER(ORAL)

delivered by Hon'ble Sh.J.P. Sharma, Member(J)

The applicants were candidates in the examination conducted by the Staff Selection Commission on the basis of an advertisement for recruitment to the post of Inspectors of Central Excise, Income Tax etc. published in Employment News of 10-16 July, 1993. A copy of the said advertisement has been annexed as Annexure-B to the original application. The said competitive examination was conducted at different centres on all-India basis. Regarding the vacancies it was mentioned that the actual number of vacancies could not be ascertained. However, the allowance was made in the vacancies for reservation as per Central Government directions.



The grievance of the applicants is that they before appearing in the said examination had made a representation and one of them filed by one Sh. Dharmendra Kumar (applicant No.2) is at Annexure-A which states that "Kindly reconsider the process and make all India merit list in place of zone-wise list because the examination are the same for All India candidates, otherwise, I will go the court." This is dated 15.11.1993. Another representation has been made by Sh. Radhey Shayam (applicant No.1) which also mentions the same facts in the representation as stated by Sh. Dharmendra Kumar. The respondents did not take any action on this and both the applicants alongwith others took the selection without seeking judicial review as stated in their representation moved on 15.11.1993. Now the result has been declared and none of the applicants in this application have been declared to have obtained a grade to be enlisted in the merit list as a qualified candidate for appointment in any of the category for which the aforesaid advertisement was issued.

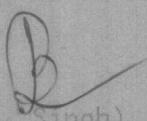
The reliefs prayed for by the applicants are that the select list prepared and published on 21.1.1995 for the post of Preventive Officer, Examiner, Inspector of Central Excise, Inspector of Income-Tax, Assistant Enforcement Officers and Grade II of Delhi Administration Subordinate Services for 1993 based on zone wise exams be quashed and be directed to prepare a fresh merit list for posts mentioned in relief(a) on All India basis.

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We have heard the learned counsel for the applicants at the admission stage. The learned counsel for the applicants has argued that the process adopted in selecting the candidates infringes the fundamental right of the examinees inasmuch as the examination is on All India basis but merit is prepared zone-wise. The applicants have taken this examination as per the advertisement issued by the Staff Selection Commission and obviously it should have been based on the recruitment rules for the posts for which the examination was conducted and also on the procedure earlier adopted. It was open to the applicants before taking that selection to seek judicial review if they feel that such a selection will maul jeopardise their selection if zone-wise merit list is not drawn. Now the process of selection of 1993 is being challenged after the merit list has been declared on 21.1.1995. The applicants are also estopped in challenging the selection in which they participated and ultimately they could not be empanelled in the merit list. The issue involved in this case has been decided by the Hon'ble Supreme court in the case of Om Prakash Shukla vs. Akhilesh Kumar Shukla & Others (AIR 1986 SC 1043). Prima facie, we do not find that this is a fit case for admission and it is dismissed

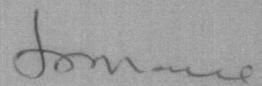
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under Section 19 sub-clause (3) of the Administrative
Tribunals Act, 1985.


(B.K. Singh)

Member(A)

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(J.P. Sharma)

Member(J)