

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1523/1996

New Delhi this the 3rd day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Ram Bharose Meena,
S/o Sh. Raja Ram Meena,
R/o Vill. Chak Kharly P.O. Halena,
Distt. Bharatpur,
Rajasthan-321601.

... Applicant

(By Dr. K.S. Chauhan, Advocate)

-Versus-

1. Staff Selection Commission,
Through its Secretary,
Block-12, C.G.O. Complex,
Lodhi Road,
New Delhi-110003.

2. Commissioner of Police,
Delhi Police, PHQ,
New Delhi-110002.

... Respondents

(By Shri V.S.R. Krishna, Advocate for
Respondent No.1 and Sh.R.K. Singh for
Sh. Anil K. Chopra, Advocate for Respondent
No.2)

O R D E R (ORAL)

Shri R.K. Ahooja, AM :

The applicant had applied for recruitment to the post of Sub Inspector in Delhi Police in response to an advertisement issued by the Staff Selection Commission. The examination was held on 4.7.1993. The applicant qualified in the written examination as also in the Physical Endurance Test and the interview. The applicant states that he was thereafter asked by the respondent No.2 by letter dated 21.3.1995 to collect his appointment letter for the post of Sub

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Inspector by 30.4.1995. His grievance is that though he repeatedly contacted the authorities in Delhi Police, the appointment letter has not been issued to him. By letter, Annexure A-7, dated 19.7.1995, he has also been informed that his candidature has been cancelled by the Staff Selection Commission.

2. The respondents in their reply have stated that the applicant who is a Constable in Delhi Police had applied as a departmental candidate against 10% quota reserved for departmental candidates of Delhi Police with 5 years' service. The applicant had been treated as a departmental candidate and had cleared the written test, qualified in the Physical Endurance Test and the interview. Thereafter, his dossiers were sent to the Delhi Police Headquarters for verification and for issue of the appointment letter. On checking of the record, the Delhi Police noticed that the applicant was not qualified to be treated as a departmental candidate as he did not have 5 years' service in Delhi Police as a Constable on 22.3.1993 which was the cut off date for determination of eligibility of departmental candidates. It was on that basis that the Staff Selection Commission cancelled the candidature of the applicant and the appointment letter could not be issued to him.

3. We have heard Dr. K.S. Chauhan, learned counsel for the applicant. He submits that the applicant belongs to ST category and as such he is entitled to reservation in respect of qualification

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including the qualification of experience for consideration for the aforesaid appointment. He also relies on the judgement of the Supreme Court in **Mahavir Singh vs. Staff Selection Committee and Another**, 1986 SCC (L&S) 192 which also dealt with a case of selection of a Constable of Delhi Police against the reserved departmental quota. The learned counsel also submits that ^{as} even after the selection of other candidates against the departmental quota vacancies are still available, the applicant should be adjusted against one of the vacancies on the basis of relaxation of qualification.

4. We have carefully considered the aforesaid submissions and we find no merit therein. The applicant had either to be considered as a departmental candidate or as a general candidate. Rule 7 of the Delhi Police (Appointment & Recruitment) Rules, 1980 which has been notified by the Staff Selection Commission requires that only those Constables, Head Constables and Assistant Sub-Inspectors can apply against the 10% limited departmental competitive tests who have minimum 5 years of service in Delhi Police on the relevant date. The rules do not contemplate any relaxation for Scheduled Caste or Scheduled Tribe candidates. The Staff Selection Commission, in their reply, have categorically stated that the applicant did not make the grade as a departmental candidate in the Scheduled Tribe category. Therefore, the applicant not being eligible as a departmental candidate and not having

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made the grade as a general candidate, was not issued the appointment letter.

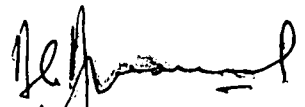
4. We have also gone through the decision of the Supreme Court in Mahavir Singh's case (supra). Although the applicant therein was also a departmental candidate belonging to the Scheduled Caste category in the quota available to departmental candidates, the issue that had arisen in that case was whether the reservation should also be provided for the candidates appearing in the limited departmental examination. The Delhi High Court in the case of Raj Kumar Singh v. Union of India^{had} held that grant of such concession would amount to double relaxation in the case of Scheduled Caste and Scheduled Tribe candidates. The Supreme Court in the case of Mahavir Singh (supra) held that reservation for Scheduled Caste and Scheduled Tribe operates vertically and horizontally and would thus also be available for the limited departmental candidates. In the case before us, the issue is not regarding reservation available to the applicant but is whether in the first place he was eligible to be considered in accordance with the rules. Clearly, the ratio of Mahavir Singh's case (supra) does not help the case of the applicant. We do not find any force in the argument advanced by the learned counsel that as a Scheduled Tribe candidate, he should be granted relaxation in the matter of experience. We have also noted that no such provision for relaxation is available in the rules. Even otherwise, if such relaxation was to be granted, this

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was to be incorporated in the notification issued by the Staff Selection Commission while calling for the applications for the post of Sub Inspector so that the other Scheduled Caste and Scheduled Tribe candidates who were similarly placed as the applicant could also apply for that post. Such relaxation cannot be considered ex post facto after the applications had already been received and the examination had been conducted.

6. For the aforesaid reasons, we do not find any merit in the O.A. The same is accordingly dismissed, but without any order as to costs.



(ASHOK AGARWAL)
CHAIRMAN



(R. K. AHOOPA)
MEMBER (A)