

Central Administrative Tribunal, Principal Bench

O.A.No.2170/96

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 2nd day of January, 1997

Shri Pramod Kumar
s/o Shri Raj Singh
r/o Village & P.O. Jhundpur
Distt. Meerut, (UP)
Pin - 250 622.
(By Ms. Sumedha Sharma, Advocate)

.... Applicant

Vs.

1. Commissioner of Police
Police Headquarter
I.P.Estate, M.S.O.Building
I.T.O., New Delhi.
2. Dy. Commissioner of Police
IIInd Bn., D.A.P. Delhi
Kingsway Camp, New Police Lines
Delhi.
3. Dy. Commissioner of Police
H.Q.(I), P.H.Q., I.P.Estate
M.S.O.Building, I.T.O.
New Delhi.
(By Shri Surat Singh, Advocate)

... Respondents

O R D E R(Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

This application is directed against the order of Deputy Commissioner of Police, New Delhi dated 09.2.1996(Annexure B) whereby the candidature of the applicant for the post of Constable (executive) in Delhi Police has been cancelled after he was selected for appointment on the ground that he did not pass the Matriculation examination from an institution in Uttar Pradesh but passed the examination from Lokmanya Tilak, H.S.School, Ujain in Madhya Pradesh; and also the order dated 28.2.1996 of the DCP Headquarters, Delhi rejecting his representation. The facts which are undisputed are that the applicant participated the selection for the post of Constable in Delhi Police, that he was selected for appointment towards one of the vacancies reserved for the State of Uttar Pradesh, and that the applicant though belongs

to Uttar Pradesh has acquired his educational qualification i.e. matriculation, from an institution in Ujain in the State of Madhya Pradesh.


2. The applicant has alleged that the order of the DCP cancelling his candidature after his selection is illegal, arbitrary, irrational and discriminatory and he therefore, prays that the impugned order may be quashed and the respondents directed to issue an order allowing the applicant to join the basic recruitment training, which is to be commenced shortly and to maintain the seniority of the applicant according to his position in the merit list.

3. The respondents resist the application on the ground that according to the instructions issued in regard to the recruitment the candidate should belong to state where recruitment was being done, should have acquired the minimum educational qualifications, from the same state, and should have registered his name in any one of the Employment Exchange in the same state and that as the applicant did not acquire the minimum educational qualification from the State of Uttar Pradesh, he was not entitled to be considered for appointment to the post which was ear marked for candidate from Uttar Pradesh.

4. As the issue involved in the case is quite simple and it would be in the interest of parties to have the matter disposed of without delay, as agreed to by the counsel on either side, we dispose of this application expeditiously. As there is a fair question to be gone into the OA is admitted, counsel agree that the pleadings being complete the application may be heard and finally disposed of now.

5. Having heard the counsel learned counsel on either side and having perused the pleadings and the relevant material, we are of the considered view that the impugned orders cannot be sustained. Identical matter was considered by the bench in OA No.927/96 (Pradeep Kumar Vs. Commissioner of Police & Others). It was held in that case that Commissioner of police has no authority to issue standing orders/instructions which is against the provisions of the statutory rules. It was observed that for appointment in Delhi Police according to the statutory rules, there is no requirement that a person should have acquired the educational qualification from a particular place. Therefore, the prescription of such an additional requirement by the Commissioner of Police was held to be only ignored. As the applicant is admittedly a person belonging to Uttar Pradesh and has the required educational qualification and has also been selected for appointment to the post of Constable in Delhi Police, we are of the considered view that the respondents have to admit the applicant for training and to proceed to appoint him, maintaining his seniority if he is not otherwise unsuitable for such appointment.

6. In the result, the application is allowed. The respondents are directed to send the applicant for training along with next batch retaining his seniority at the appropriate level and to proceed to make his appointment after completing the training and in accordance with law. There is no order as to costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)