

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2597/96

(7)

New Delhi this the 30th day of June, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Ms. Daya Rani,
House No.5911, Gali No. 3,
Block IV, Dev Nagar,
Karol Bagh,
New Delhi-5. Applicant

(Applicant in person)

versus

1. Government of National Capital
Territory of Delhi,
through Chief Secretary,
Old Secretariat,
Delhi. Respondents
2. Director of Education,
Office of Directorate of Education,
Government of National Capital
Territory of Delhi,
Old Secretariat,
Delhi. Respondents

(through Sh. Ajesh Luthra for Ms. Jyotsna Kaushik)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

By an order dated 15.4.97, we had passed the
following order:-

"Learned counsel for the petitioner
says that the respondents have made a mistake
by computing the total marks into 52 by not
including 5 marks required to be given to the
English paper. It is submitted that if those
5 marks had been granted to the petitioner
then the total number would have been 57.
Last candidate who got selected from amongst
the reserved category got 56 marks but
unfortunately the said candidate has not been

(8)

arrayed as respondents. Since the candidate who got 56 marks, has not been impleaded, we do not think it fit and proper to set aside his appointment.

Learned counsel for the respondents says that there was an additional advertisement issued bringing to the notice of the candidates that whosoever has not given the copies of certificates for the English paper in order to avail the additional 5 bench marks in September, 1996, may submit the same. The petitioner says that she had seen the advertisement but since she had given the original copy of the same alongwith the copy of the certificate to the department in pursuance to the advertisement. That seems to be a genuine mistake somewhere. In any event, we think that since the petitioner has subjected herself to a selection procedure and she will have to be considered as deemed to have been selected as she has correctly obtained 57 marks on the basis of the original records she has produced before this court."

After recording the above said finding, we had requested the respondents to find out a solution to the problem before the next date of hearing. The respondents' counsel today, on instructions says, that they are not able to accommodate the applicant even in the subsequent

9

year without any past benefits. In the circumstances, we have no option but to allow this O.A. with the following directions:-

(a) Since the applicant has already obtained in her batch of selection higher marks than the bench mark fixed by the respondents which is then the mark received by the last candidate appointed, the selection of the applicant should be deemed to have been valid and final.

(b) Since no vacancy is available in the reserved quota and all the candidates against the reserved quota have already been stated to have joined their offered post, and in the circumstances that the applicant's selection is also valid, the respondents shall set apart one vacancy, out of the total number of vacancies which would be declared in the subsequent year i.e. in the year 1997 for filling up candidates, out of the quota applicable to S.C. candidates. We would like to clarify since even the 96 posts available to SC candidates are also already under the process of being filling up, the

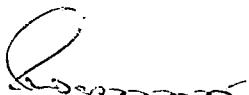
10

only possibility is during the year 1997, the respondents shall declare all the vacancies of 1997 available to SC candidates, minus one, for recruitment from the open market. The one reserved post thus kept aside shall be offered to the applicant as she had already been qualified in her batch of examination.

(c) No past benefits will be available to the applicant and the appointment against such vacancy shall be given as a fresh appointment in accordance with the rules.

We are issuing these directions in the peculiar circumstances of this case as stated above.

With the aforesaid directions, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

/vv/