

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.1204 of 1997

New Delhi this the 26th day of August, 1997

HON'BLE DR. JOSE P. VERGHESE, VICE-CHAIRMAN(J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Nitin Kumar  
S/o Shri Arun Kumar Singh,  
R/o C/o Shri Ashok Kumar,  
3rd Savita Apartment,  
Boring Patliputra,  
Near Raj Chikitsa Hospital,  
Patna.

.....Applicant

By Advocate Shri S.P. Jha

Versus

1. Staff Selection Commission (SSC)  
through the Regional Director (NR),  
C.G.O. Complex, Block No.12,  
Lodhi Road,  
New Delhi-3.
2. Commissioner of Police,  
Delhi Head Quarters-I,  
M.S.O. Building,  
Indraprastha Estate,  
New Delhi.

...Respondents

By Advocate Shri V.S.R. Krishna

ORDER (ORAL)


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

The applicant is aggrieved by the order of the respondents at Annexure -P-7 by which his candidature to the post of Sub-Inspector in Delhi Police was cancelled apparently on the basis of a letter from the Chairman of Selection Board to the Commissioner of Police, which was in turn based on the observation received by him by the Chairman of the Interview Board. It was pertinent to mention that the Chairman of the Interview Board is intimating the notings made by him during the interview after 25 days

stating that the applicant is unable to answer any question even in his own subject but while transmitting the said notings to the Commissioner of Police, the Chairman, SSC only mentioned that this aspect may be taken into consideration which may lead to detection of some fraud in the certificates produced by the applicant and the Commissioner of Police was intimated that he may look into this while the verification of character antecedents while making appointment of the applicant. The Commissioner of Police in turn decided and the appropriate authority cancelled the candidature of the applicant without holding any enquiry and without making any verification on the apparent assumption that the certificate produced could not be bogus in view of the statement made by the Chairman, SSC, which in turn was on the basis of the notings of the Interview Board. The cancellation of the candidature of the applicant, who was subsequently declared successful at the rank 14, could not have been done without any notice to him and without any enquiry conducted in the matter. It was also stated that the applicant was a candidate almost above average because on various occasions he has passed different examinations conducted by the U.P.S.C. including the Combined Civil Services Examination, 1995, which itself shows that apart from the fact that the presumption that the certificate could not be wrong and that the petitioner himself is above average and he has been able to pass various competitive examinations on his own merit. In view of this and in view of the fact that no enquiry or show cause notice has been issued before issuing the

cancellation order at page 25 of the paper book as Annexure P-7, the only conclusion that can be arrived at is that this is an illegal order and as such we quash the same and direct the respondent No.2 to consider the candidature of the applicant in accordance with the rules ignoring the order at P-7, and the communication of the Chairman, SSC which was based on the notings of the Chairman of the Interview Board. The respondents are at liberty to make appropriate enquiry if it is considered fit to be done in accordance with the rules but that shall not affect the candidature and selection of the applicant and posting of the applicant along with his colleagues who have qualified <sup>in</sup> the same examination.

To this extent, this O.A. is allowed.  
No order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(DR. JOSE P. VERGHESE)  
VICE CHAIRMAN

Rakesh