CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 840/1997

New Delhi this the 9th Day of May 1997

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

1. Shri Madhur Chaturvedi,
Son of Shri S.S. Chaube,
Resident of A-3 Income Tax Colony,
Shastri Nagar,
Meerut (UP)

2. Shri Jitendra Kumar
C/o C.P. Singh,
Resident of A-14 Income Tax Colony,
Shastri Nagar,
Meerut (UP)

3. Shri Vinod Kumar
Son of Shri Mahavir Singh,
Resident of C-99 Defence Colony,
Meerut Cantt (UP) Petitioners

(By Advocate: Shri S.S. Tiwari)

-Versus-

1. Union of India - through
Secretary,
Staff Selection Commission,
Lodhi Road, Block No. 12,
CGO Complex, New Delhi

2. The Secretary (N.R),
Staff Selection Commission,
Department of Personnel & Training,
Ministry of Personnel, Public
Grievances & Pension,
Block No. 12 Kendriya Karyalay Parisar,
Lodhi Road,
New Delhi. Respondents

(By Advocate: Shri VSR Krishna)

O R D E R

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

The three petitioners in this case were candidates for the examination held for recruitment to the post of Inspector of Central Excise Income Tax Examination Etc. 1996. By an order dated 4.2.1997, the respondents have

cancelled the candidature of the candidates stating that their applications were in violation of the instructions contained in para 10 (iv) and NOTE IV application contained in the notice of the examination. Para 10 (iv) states that a candidate who is or has been declared by the Commission to be guilty of submitting fabricated document or documents which have been tampered with, would be disqualified from the examination or debarred permanently and/ or disciplinary action shall be taken against him. The allegations against the petitioners are that the petitioners have violated Clause 14 of the notice by which a candidate is permitted to send only single application, even if he wants to compete in one or more category of post(s). Para IV of the Note again in Bold letters states that a candidate should submit one application only. Multiple applications will be rejected summarily. In the Form of application as well,the applicant is to endorse, an undertaking to the effect that the petitioner has not submitted more than one application and such declaration is stated to be binding and any wrong statement would incur the liability under Clause 10 stated above.

2. The learned counsel for the petitioners submitted that in reality the petitioners have not applied more than once. According to him since the notice was issued for appointment of candidates zonewise, the bar of multiple

applications will apply only to a candidate who applies more than once within one zone. According to the counsel none of the petitioners in that sense submitted multiple applications. The learned counsel for the respondents states that the multiple applications stated or understood in the context is not one application for each zone. The prohibition is clear from the face of the record that the candidates are prohibited to make more than one application,even if he is applying under differnt zones.

3. We are of the view that the contention of the learned counsel that the present case is not a case of multiple applications cannot be accepted. Even though the present petitioners have moved one application for one zone only, in the circumstances that would amount to be multiple application and the rejection of the candidature is, therefore, correct and according to rules.

4. The learned counsel for the petitioners submitted that the Hon'ble Supreme Court by an order dated 9.12.1996 has now set aside the selection of candidates belonging to1995 examination
which was held zonewise and has directed that the selection shall not be made in future on zonal basis since the same would result in denial of equal opportunity and would be in violation of

Article 14 of the Constitution of India. The Hon'ble Supreme Court has only followed the earlier decision of the same court in the case of Nidamarti Maheshkumar Vs. State of Maharashtra & Ors. 1986 (2) SCC 534. It was also pointed out from the said decision that the zonewise selection cannot stand judicial scrutiny of reasonableness and will have to be struck down. On the basis of the said decision the submission on behalf of the petitioners was that since zonewise selection is illegal and the petitioners have made only one application for one zone, the cancellation of the candidature on the face of this judgement is wrong and needs to be struck down. We are unable to agree with the said conclusion. The Hon'ble Supreme Court in the said decision while stricking down the zonewise selection procedure applied this ratio with prospective effect only. But we make it clear that this judgement will have prospective application and whatever selections and appointments have so far been made in accordance with the impugned process of selection shall not be disturbed on the basis of this judgement. But in future no such selection shall be made on the zonal basis. If the Government is keen to make zonewise selection after allocating some posts for each zone, it may make such scheme or rules or about such process of selection which may not clash with the provisions contained in Article 14 and 16 of the Constitution of India having regard to the guidelines laid down by the Court from time to time in various pronouncements. In view of the

ratio now laid down by the Hon'ble Supreme Court while stricking down of 1995 examination, the Court in its wisdom has applied the ratio of the said decision only prospectively, the impugned orders cannot be struck down with retrospective effect. In view of the decisions stated above, the zonewise selection procedure itself may be wrong and we also hold that the respondents shall not hold this examination on the basis of zone and shall be in accordance with the decision of the Hon'ble Supreme Court above.

5.In view of the above findings, no relief can be granted to the petitioners since the selection procedure in pursuance to 1996 examination has come to a fag end and what remains to be done is only declaration of result. We do not think it proper to interfere with the process of examination at this stage and since no other relief is granted to the petitioners this OA is dismissed. There is no order as to costs.

(S.P.Biswas)
Member (A)

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

Mittal