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Central Administrative Tribunal
Principal Bench

O.A. No. 1663 of 2000

New Delhi, dated this the 1st April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Jagdish Kumar,
S/o Shri Ram Prasad,
R/o C/o Sunil Auto Electric Workshop,
Main Dhausa Road,
opp. Suraj Cinema,
Shop No.8, Najafgarh,
New Delhi-43 ...Applicant.
(By Advocate: Shri B.B.Raval)

Versus

1. Union of India
through
the Secretary
Ministry of Home Affairs,
North Block,
New Delhi -1
2. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
North Block,
New Delhi-1 ...Respondents.
(By Advocate: Shri S.K.Gupta)

ORDER

S.R. ADIGE, VC (A)

Applicant challenges his non-appointment as Junior Intelligence Officer Grade II, and non-conferment of temporary status followed by regularisation as well as his termination of service by oral orders.

2. Pleadings reveal that pursuant to an advertisement issued by Respondent in November-December, 1994, inviting applications for appointment as JIO Grade II, applicant applied for the same. Along with his application he submitted a photocopy of a certificate to the effect that he had passed Matric from the Varanasey Sanskrit

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Vishwavidyalaya, Varanasi in 1990 (Annexure A-1).

Applicant was asked to appear for the driving test/interview for the aforesaid post on 13.6.95 (Annexure A-2) and just about that time, was also engaged by respondents as Driver on casual basis.

3. Applicant states that while others began to receive call/joining letters, he was told that although he had qualified in the selection, his qualification of Matric from Varanasey Sanskrit Vishwavidyalaya, Varanasi was not found eligible/recognised and hence he could not be appointed. In this connection, respondents themselves state that as the Varanasey Sanskrit Vishwavidyalaya had been renamed the Sampurnand Sanskrit Vishwavidyalaya w.e.f. 1974 itself vide DP & T's OM dated 21.11.90 (Annexure R-1), they did not accept applicant's Matric Certificate and cancelled his candidature.

4. Meanwhile applicant contends that he had successfully appeared in Secondary School Exam. conducted by the Bihar School Examination Board, Patna and was declared passed in Second Division vide certificate dated 14.12.95 (Annexure A-3 Colly).

5. He states that respondents thereafter advertised vacancies of JIO- Gr.II in August, 1997 (Annexure A-4) in response to which he applied and was called for driving test/interview on 6.5.98 (Annexure A-5). Again respondents advertised fresh vacancies in July, 1999 (Annexure A-6) to which also he applied. In response to these advertisements he

appended a copy of the certificate issued by the Bihar School Exam. Board dated 14.12.95, but despite persistent inquiries, was not informed of the outcome of the driving test and viva in respect of himself. Meanwhile, he alleges that respondents got tired of his persistent enquiries and terminated his services on 4.4.99 by oral order.

6. Respondents' reply is not very clear on what action they took on applicant's application in response to the advertisement dated August, 1997 in respect of which applicant was asked to appear in the driving test/ interview on 6.5.98. Similarly in regard to the vacancies advertised in July, 1999, respondents in their reply state that 2067 candidates, who fulfilled the eligibility conditions for the post as laid down in the Recruitment Rules and advertisement, were called for the interview, and as applicant's name did not figure in that list of 2067 candidates, his application "might not have passed preliminary scrutiny as laid down in the advertisement."

7. As applicant has filed this OA challenging his non-selection as JIO Gr.II, we dispose of the same with a direction to respondents to apprise applicant as to the reasons for his non-selection by means of a detailed order against vacancies advertised in August, 1997 for which driving test/interview was held on 6.5.98 and for vacancies advertised in July, 1999 for which it is stated that 2067 applications were found valid. These directions should be implemented within 2

months from the date of receipt of a copy of this order. Meanwhile if respondents are engaging Drivers on casual basis again, and applicant applies for the same, his case should be considered in preference to juniors and outsiders, provided his work and conduct has otherwise been satisfactory.

8. The OA is disposed of in terms of para ² 7 above. No costs.

(Kuldip Singh)
Member (J)

/ug/

(S.R. Adige)
Vice Chairman (A)