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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 369/89

New Delhi this 11th Day of February 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Ashok Kumar,  
Son of Shri Dharam Singh,  
Village & P.O. Samlaka,  
Delhi.

... Applicant

(By Advocate M. Nona).

Versus

1. Lt. Governor of Delhi through  
The Chief Secretary,  
Delhi Administration,  
Delhi.

2. Commissioner of Police,  
Delhi Police Headquarters,  
MSB Building, IP Estate,

3. Deputy Commissioner of Police,  
3rd Dn. DAP New Police Lines,  
Kingsway Camp, Delhi

.... Respondents

(By Advocate Mrs. Anish Ahlawat)

O R D E R (ORAL)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant has filed this application on 27.1.89 aggrieved by his non selection to the post of Constable in Delhi police which he undertook with Roll No. 13591 in the year 1988. The applicant has prayed for the grant of the relief and that he may be declared passed in selection and appointed in the Delhi Police from the date the other candidates have been appointed with all consequential benefits.

2. The applicant has further got the application amended praying for addition of ground C in para 5 taking the stand that most of the candidates with Roll Nos. 1, 568, 26871 and 33997 alongwith others who are not suitable and fit have been appointed.

3. The respondents in their reply have opposed the grant of the relief on the ground that the applicant has qualified in the physical endurance test, written test but he could not make in final grade after interview because the cut off marks for successful candidates in the test was fixed at 50% and above and the applicant could not secure 50% marks and only obtained in the aggregate 46% marks as such he could not be given appointment. The respondents have also in para 4 given the remarks obtained by applicant in physical test 13/30, in written test 20/40 and in interview 13/30.
4. The applicant has also filed the rejoinder and stated that he has done well in examination as well as in the interview and there appears something fishy in the matter.
5. None appears for the applicant. We have heard the learned counsel for the respondents Mrs. Avnish Ahlawat and gone through the pleadings of the applicant. Merely asserting and alleging that a person has done better performance in a selection cannot be taken to be a convincing admissible fact of the performance done by such a person in the selection. If this perception is taken into account then every failure will be defended by making certain one pretext or the other and there will be no material left with the respondents to judge such cases. The matter of selection as with other examination a system has to be believed and confidence has to be reposed that what is being done by the authorities at their level is fair, impartial and just. Instances may be there where certain irregularities may occur in the system but they are rarest of rare cases. In any case the applicant could not substantiate as to how


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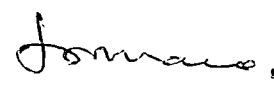
he had done better performance and was expecting more marks than awarded to him. In view of this when the respondents have clearly given out the whole picture in their counter to the extent of showing the marks of the applicant it was open to the applicant to have those answer books at the relevant time sealed at the end of the respondents by making a representation to them. He has come to the Tribunal much afterwards in 1984.

6. We do not find any substance in the grounds taken to scrape the selection undertaken by the respondents.

The averments in the application is also that certain less qualified persons or those who are unfit has been given appointment cannot be accepted. No substantial proof thereof to the extent of conviction has been placed. Certain amount of credibility has to be reposed in the respondents when they discharge their public duty particularly in an enrolment/recruitment of the members of their force.

7. In view of the above facts and circumstances we do not find any reason to interfere with the selection and the application is totally devoid of merit and is dismissed.

  
(B.K. Singh)  
Member(A)

  
(J.P. Sharma)  
Member(J)

\*Mittal\*