

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1746/2020



This the 9th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Bhawani Singh Meena
S/o Shri Ghanshyam Meena
Ward No.4 Khanpur, Choragaon
Karauli, Chauragaon
Rajasthan -322203. **Applicant**

(through Ms. Priyanka Swami, Advocate)

Versus

1. Govt. of NCT of Delhi
Through Delhi Subordinate
Services Selection Board FC-18
Institutional Area, Karkardooma
Delhi – 110 092. **Respondents**

(through Ms. Esha Mazumdar, Advocate)

ORDER (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

The applicant is a SC candidate, who applied for the post of Craft Instructor Health and Sanitary Inspector under Directorate of Training and Technical Education, GNCTD, Post Code 120/2014 advertised by DSSSB. The closing date to apply was 27.02.2014. There was only one vacancy which belonged to UR category. The applicant secured 92 marks,

however, his candidature was rejected vide Notice No 1053 Dt. 2.3.2020.



2. Feeling aggrieved, the applicant had preferred a Writ Petition No. 8505/2020 before the Hon'ble High Court of Delhi. The Hon'ble High Court vide their order dated 23.10.2020 disposed of the writ as withdrawn with liberty to the applicant to approach the Tribunal. In follow up, instant OA has been filed.

3. The applicant acquired the requisite qualification from National Trade Certificate in the month of July, 2011. As per the advertisement the essential qualification also included experience and following was specified in the said advertisement:

“(iii) 3 year practical experience in the field of concerned trade”.

4. The applicant pleads that the written exam was held on 29.9.2019 and by this time he is having three years experience. And such certificates have been supplied to the Respondents.

5. The respondents opposed the OA. It was pleaded that the applicant does not have the prescribed three years experience

after obtaining the National Trade Certificate in July 2011 and by the time of closing date to apply ie 27.2.2014.



It was further pleaded that in case the applicant is to be considered as eligible despite his not having three years' experience as essential qualification, by the closing date, it will be discriminatory to all such candidates who may not have even applied against the said post. Secondly, the applicant herein was fully aware of the essential qualification required as was specified in the advertisement and once he has participated and his candidature has been rejected, the applicant cannot turn around now and claim that injustice has been meted out to him on the part of DSSSB, who is the recruiting agency.

6. The matter has been heard at length. Ms. Priyanka Swami, learned counsel represented the applicant. Ms. Esha Mazumdar, learned counsel represented the respondents.

7. For any recruitment, it is the essential qualification prescribed in the advertisement, that are to be the guiding criteria for deciding the candidature of the applicant. In the instant case it is admitted that the essential qualification was acquired by him in July, 2011 whereas the closing date for

making application for the said post was 27.02.2014. It is very clear from these two dates that three years time does not lapse in between these two dates. Accordingly, there is no way that the applicant could have acquired three years experience for the said post.



In view of the forgoing, the applicant may have three years experience but it does not pertain to the period which is relevant for the said advertisement. Accordingly, the decision of respondents in cancelling his candidature, cannot be faulted.

9. In view of foregoing, there is no merit in the OA and the same is dismissed at the admission stage itself. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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