



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

O.A. No.279/2021

Today this the 8th day of February, 2021

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Prashant Yadav, Aged about 22 years old,
S/o Sh. Santosh Kumar Yadav,
R/o Sethji Bhawan, Saifai,
Etwah-206130. ...Applicant

(By Advocate : Shri Karanjot Singh Mainee)

Versus

1. Union of India,
Through Secretary,
Ministry of Transport & Highway,
Transport Bhawan, 1,
Parliament Street, New Delhi-110001.
2. National Highway Authority of India,
Through its Chairman,
G-5&6, Sector-10,
Dwarka, New Delhi-110075. ...Respondents

(By Advocate : Shri Naresh Kaushik)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :

The National Highways Authority of India (NHAI) issued an advertisement to select and appoint Deputy Managers (Technical) by way of direct recruitment. The qualification prescribed for the post is passing B.Tech Civil Engineering. The last date for submission of the



applications was 15.06.2020 and later on, it was extended upto 22.06.2020. The applicant responded to the advertisement. However, on verification, it was found that he did not obtain B.Tech Civil Engineering Degree by 22.06.2020. It was also noticed that while the results were declared on 28.09.2020, provisional certificate was issued on 05.10.2020. The communication in this behalf was sent on 05.11.2020, informing that the candidature of the applicant is cancelled. This OA is filed challenging the communication dated 05.11.2020.

2. The applicant contends that the NHAI itself has revised its program for conducting the examination, duly taking into account, the Covid-19 situation and when he appeared in the examination and cleared it, as per the said schedule, he cannot be denied the benefit of being considered for selection to the post of Deputy Manager.

3. We heard Mr. Karanjot Singh Mainee, learned counsel for applicant and Mr. Naresh Kaushik, learned counsel for respondents at the stage of admission.

4. The candidature of the applicant was cancelled on account of the fact that he did not pass the B.Tech Degree before 22.06.2020. It is not in dispute that the last date for receiving of applications was mentioned as



22.06.2020. In the advertisement, the respondents made it clear that every aspect would be reckoned with reference to the last date for submission of the applications. This would include the determination of age limits or obtaining of qualification. The applicant may have appeared in the examination for B.Tech final semester before 22.06.2020, but the fact, remains that the results were declared only on 28.09.2020 and the provisional certificate was issued on 05.10.2020. Both the dates are clearly outside the last date of submission of applications mentioned in the advertisement.

5. Earlier, there used to be some uncertainty on the issue whether a candidate be said to have acquired the qualification the date on which he takes the examination or the date on which the results are declared. Certain High Courts took the view that once results declared they date back to the one on which date the examination was held. Recently, the Hon'ble Supreme Court has set the entire issue at rest, and held that it is the date of declaration of the results, and not the date of appearance in the examination that matters. The view taken by the respondents accords with the law laid down by the Hon'ble Supreme Court.



6. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

/rk/mbt/ns/sd