

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00251/2020

Tuesday this the 6th day of October 2020

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

1. Nishanth Kumar K.P, aged 40 years,
S/o.K.P.Raghavan Nair,
Prabha Nivas, Kunnathara P.O.
Kozhikode -673620
Mob: 7889681697
2. Ajith Kumar K, aged 41 years,
S/o.Kumaran,Anil Bhavanam, Naduvilemuri,
Pallickal P.O., Kayamkulam,
Alappuzha -690503
Mob: 7984812018
3. Nijeesh A.K, aged 41 years,
S/o.Bharavidas A.K,'Sreevalsam', Akkinari,
Cheruvatta, Parambil Post,
Kozhikode -673012
Mob: 8220841282
4. Abeesh M, aged 39 years,
S/o.S.Muraleedharan, Surendra Bhavanam,
Kilikolloor P.O.
Kollam -691004

5. Santhosh V, aged 39 years, S/o S. Viswambharan
Santhosh Bhavan, Archal
Nediyara P.O , Anchal,
Kollam — 691306

...Applicants

(By Advocate Mr.Kaleeswaram Raj)

v e r s u s

1. Union of India, Represented by Secretary
Ministry of Personal, Public Grievances and Pensions,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi -110003
2. Under Secretary
Staff Selection Commission
Ministry of Personal, Public Grievances and Pensions,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi -110003
3. Secretary, Department of Personnel and Training
Ministry of Personal, Public Grievances and Pensions,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi -110003

....Respondents

(By Advocate : Mr.Thomas Mathew Nellimoottil,Sr.PCGC)

This application having been heard through video conference on 6th October 2020, this Tribunal on the same day delivered the following :

ORDER (ORAL)**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

The applicants had registered for Combined Higher Secondary Level (10+2) Examination, 2018 under the Staff Selection Commission to the post of Lower Division Clerk/Postal Assistant/Sorting Assistant Date Entry Operator and Date Entry Operator Grade A. The selection process consists of Tier-I Computer Based Examination, Tier-II Descriptive Paper and Tier-III skill test/Typing test. Applicants had appeared in the Tier-I and were qualified for Tier-II. When the results were published, the results of the applicants were withheld. This Original Application has been filed by the applicants challenging the disqualification imposed by the Staff Selection Commission on the ground of "Unfair means-address/Unfair means – name" rendering them ineligible for the Tier-III examination. Hence, they approached this Tribunal praying for the following reliefs:

"(i) To set aside Annexures A7, A8, A9, A10 and A11 as unjust, illegal and arbitrary

(ii) To direct the respondents to publish the marks obtained by the applicants in Tier-II descriptive paper and to permit them to appear in Tier-III Skill test/Typing test/ or the next stage of the selection process as determined by the respondents

(iii) To declare that the applicants are entitled to have their marks declared for Tier-2 exam and entitled to write Tier-III skill test/typing test

(iv) To grant such other reliefs as this Hon'ble Tribunal may

deem fit and proper in the circumstances of the case and;

(v) To allow the application with costs."

2. When the matter came up for consideration, Advocate Mr.Thomas Mathew Nellimoottil,Sr.PCGC, learned counsel for the respondents submits that the respondents have filed a statement stating that they have decided to give one-time exemption to all 4560 candidates including the applicants in the above O.A from the said prohibitory instructions and the results of all the applicants were also declared as pass. The statement filed by the respondents is taken on record.

3. **In view of the above submission, there is no purpose in continuing with this matter. Learned counsel for the applicants has also no objection for closing this O.A by recording the above submission made by learned counsel for the respondents. Hence, the Original Application is closed. No costs.**

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

- Annexure A1 - True copy of the relevant pages of the notification issued by the Staff Selection Commission
- Annexure A2 - True copy of E-Admission certificate of the 1st applicant
- Annexure A3 - True copy of E-Admission certificate of the 2nd applicant
- Annexure A4 - True copy of E-Admission certificate of the 3rd applicant
- Annexure A5 - True copy of E-Admission certificate of the 4th applicant
- Annexure A6 - True copy of E-Admission certificate of the 5th applicant
- Annexure A7 - True copy of the result obtained from the website of the Staff Selection Commission of the 1st applicant
- Annexure A8 - True copy of the result of the 2nd applicant
- Annexure A9 - True copy of the result of the 3rd applicant
- Annexure A10 - True copy of the result of the 4th applicant
- Annexure A11 - True copy of the result of the 5th applicant
- Annexure A12 - True copy of the status of the RTI information submitted by the 3rd applicant
- Annexure A13 - True copy of the answer sheet of 1st applicant
- Annexure A14 - True copy of the answer sheet of 2nd applicant
- Annexure A15 - True copy of the answer sheet of 3rd applicant
- Annexure A16 - True copy of the answer sheet of 4th applicant
- Annexure A17 - True copy of the answer sheet of the 5th applicant
- Annexure A18 - True copy of the notice dated 15.4.2020 of the Under Secretary, Staff Selection Committee. ///