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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1309/87

Date of decision 3-4-88.

Shri Pankaj Kumar

.....Applicant

Vs.

Lt. Governor & Others

.....Respondents

For the applicant

.....Shri M.K. Kapoor,
Counsel

For the respondents

.....Shri M.M. Sudan,
Counsel for
Respondents No.1 & 3.
Shri N.S. Mehta,
Counsel for
Respondent No.2.

CORAM:

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN(A)

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporter or not *No*

Judgment

(The judgment of the Bench delivered by Hon'ble
Mr. B.N. Jayasimha, Vice Chairman(A))

This application has been filed by a young aspirant for the post of Sub-Inspector (Executive) in the Delhi Police for which recruitment is made through open competition consisting of a written test and viva voce conducted through the Staff Selection Commission (hereinafter referred to as the Commission). He applied and appeared in the written test in 1985 and 1986 and on both occasions he qualified in the written test. The next stage in the recruitment is to

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qualify in the physical endurance test and physical measurements (including vision) test conducted by the Delhi Police and thereafter a personality test conducted by the Commission. He qualified in the physical endurance test in 1985 and 1986, but he was found one centimetre short in height in relation to the minimum height prescribed. As a result of the representation made by his father who is also working as a Sub-Inspector in the Delhi Police, the Lt. Governor of Delhi vide his order dated 3.10.1986 accorded sanction for relaxation of height in respect of the applicant. The Commission who were requested to consider the case of the applicant for selection, initially expressed their inability to do so because the selection process had been completed by them. The stand of the Commission is that at that belated stage they could not consider him for the said post but the applicant be allowed to appear for the examination to be held in April, 1987. A representation against the aforesaid decision of the Commission did not yield any result. Thereupon the applicant filed the present application under Section 19 of the Administrative Tribunals Act, 1985 praying for the issue of a direction to the Commission to consider him for selection to the post of Sub-Inspector(Executive) for the year 1986. He had also sought other reliefs. By an interim order dated 1.10.1987 another Bench of this Tribunal directed the Commission to hold a personality test in respect of the applicant and after holding that test, they were directed to convey the result to the Delhi Administration(Commissioner of Police), who were thereafter required to take the final decision after taking into consideration the relevant facts.

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Pursuant to this direction, the Commission called the applicant for interview on 4.2.1987. The Commission vide their letter dated 1st January, 1987 informed the Delhi Police that the applicant secured an aggregate of 199 marks (written test plus personality test) whereas the last candidate who has been recommended for appointment from the examination secured an aggregate of 217 marks. There were 49 candidates higher in merit list than the applicant, who could not be recommended for appointment. It was further stated that this list had become inoperative because the final result of the examination held in the next year (1987) had also been announced. The Commission, therefore, informed that the applicant did not stand any chance of appointment on the basis of 1986 examination.

2. With the leave of the Tribunal, the applicant has filed an amended application wherein he has called in question the manner in which the personality test was held on 4.12.1987 by the Commission and also the ^{disproportionate} allocation of 100 marks for interview out of total of 400 marks, 300 marks being for the written examination.

3. Several grounds have ^{been} taken in the amended application. Respondent No.2 (the Commission) have also filed their counter affidavit. We have gone through these pleadings and have heard the learned counsel of both parties at length. During the hearing, it has transpired that the scheme of the examination has since undergone some changes ^{and} this has also mentioned in the counter affidavit filed by the Commission.

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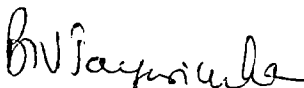
The basic change relates to conforming the percentage of marks allotted to personality test in line with the recent authoritative pronouncements of the Supreme Court (vide 1980(3) SLR 467; 1985(3) SLR 280). To our mind, it is needless to given our findings on the arguments advanced before us by the learned counsel of both parties. The applicant had qualified in the written test held in two consecutive recruitment years (1985 and 1986). He was interviewed by the Commission separately after the interviews of the other candidates had been completed and pursuant to the interim orders passed by the Tribunal. The applicant is also stated to be unemployed. The Commission itself was agreeable to allow the applicant to appear for the 1987 examination, but the applicant came to this Tribunal as he would become age-barred. Given the facts and circumstances of the case, we feel that the applicant could have been given relaxation in respect of age also. We, therefore, consider that in the interest of justice this young aspirant should be given one more chance to prove his worth by allowing him to appear at the next examination along with the other candidates for recruitment to the post of Sub-Inspector (Executive). We, therefore, direct the respondents to allow the applicant to appear in the written test along with the other candidates at the next recruitment. The respondents should also waive the age restrictions. In case he qualifies in the written test, he should also be allowed to undergo physical endurance test and physical

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measurements (including vision) test and the relaxation in regard to the height already given by the Lt. Governor will hold good. He should also be interviewed by the Commission for the personality test along with the other candidates, who have qualified in the other tests. He should be offered the post of Sub-Inspector (Executive) if he come within the merit list.

4. The present application is disposed of with the above directions. There will be no order as to costs.


(P.K. KARTHA)
VICE CHAIRMAN(J)


(B.N. JAYASIMHA)
VICE CHAIRMAN(A)