

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.2749 of 1991                      Date of Decision: 3.5.93.

Madan Pal Singh Tomar .....Applicant.

Versus

Delhi Administration & others .....Respondents.

CORAM:

Hon'ble Mr. Justice S.K. Dhaon, Vice -Chairman.

Hon'ble Mr. S.R. Adige, Member(A)

For the applicant:                      Shri M. Chopra, Counsel.

For the respondents:                      Shri B.R. Parasher, Counsel.

JUDGMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The Delhi Administration issued an advertisement for recruitment of teachers. We are concerned with the Graduate teachers which is also the subject matter of advertisement. In the advertisement, one of the Heads was 'Eligibility'. Under this Head for Trained Graduate Teachers, the requirement was "a degree in the concerned category Art/Commerce/Science from a recognized University with minimum 45% marks...."

2. The petitioner, in pursuance of the said advertisement, submitted his application. It is stated that the petitioner was allowed to compete. However, finally his name did not find place in the list of selected incumbents. The reason given by the respondents for not including the petitioner's name in the list of selected candidates was that he had failed to secure minimum 45% marks in the graduation-examination.

3. A set of fresh documents have been filed before us by the petitioner. The most relevant document filed is a certificate dated 28.4.93 alleged to have been issued by the Assistant Registrar (Conf.) for the Registrar of Meerut University to the petitioner. The certificate recites that the petitioner passed the



9

B.Com.Examination in 1985 with Second Division securing 290 marks out of 650 with Roll No.C 032040. The certificate goes on to state that a candidate is given grace marks to the extent of three marks, if one loses 1st or 2nd Div. by not more than three marks. The divisions are determined on the basis of aggregate of marks of all the courses prescribed for a degree as under:-

First Division -60%

Second Division -45%

Third Division -33%

4. This certificate discloses that though, in fact, the petitioner had not secured 45% marks yet he had been given Second Division because he had been given three grace marks. The argument is that since the Meerut University had awarded Second Division to the petitioner, it is implicit that he had secured 45% marks as is the requirement of the aforementioned advertisement.

5. Having considered the argument and the matter with some anxiety so as to give some relief to the petitioner, we are affraid ~~ix~~ we do not agree with the submissions advanced on behalf of the petitioner. The advertisement is very clear that the requirement <sup>minimum</sup> of 45% marks does not envisage any grace marks. It is implicit in the advertisement that what is expected from a candidate is that he should have secured at least 45% marks on merit in the graduation examination.

6. With the result, we find no force in the submissions.

7. The application fails and is accordingly dismissed. The Registry is directed to return the original papers filed by the petitioner after

Sy



10

directing him to file the photostate copies of the same  
for the record of the case.

8. There shall be no order as to costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

(ug)

*S.K. Dhaon*  
(S.K. DHAON)  
VICE-CHAIRMAN (J)