

Central Administrative Tribunal, Principal Bench

O.A.No.456/92

Hon'ble Dr. A. Vedavalli, Member(J)  
Hon'ble Shri R.K. Aahooja, Member(A)

(9)

New Delhi, this 18th day of February, 1997

Shri Samir Yadav  
s/o Shri S.R. Yadav  
age 23 years  
r/o A-2/198, Janakpuri  
New Delhi - 110 058. ... Applicant

(By Shri K.N.R.Pillai, Advocate)

Vs.

1. Union of India  
through the Secretary  
Department of Personnel & Training  
Ministry of Personnel, Public  
Greivances and Pensions  
New Delhi.
2. Staff Selection Commission  
Block - 12, C.G.O.Complex  
Lodhi Road  
New Delhi. ... Respondents

(By Shri N.S.Mehta, Advocate)

O R D E R(Oral)

Hon'ble Shri R.K.Aahooja, Member(A)

The applicant had applied in response to a notification issued by the Respondent No.2 for an examination for Recruitment of Sub-Inspectors of Police (Delhi Police, Central Bureau of Investigation and Central Police Organisations) as per Annexure A1. The written examination took place on 4.8.1991. One of the eligibility condition related to educational qualifications and reads as follows:

"Educational Qualifications: Degree of a recognised University. Candidates who have yet to appear at the Degree Examinations or whose result has been withheld or not declared on or before 1.8.1991 are not eligible."

2. The applicant submits that he appeared for B.A. Degree of the Punjab University of which the final year examination (3rd year) was to be held in April, 1991. He had passed the 2nd year examination (B.A. Degree) in 1990 and the Marks Card of the same was issued on 4th July, 1990. He

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submits that it was normally ~~accepted~~ <sup>expected</sup> that for 1991 also the results would be declared in the month of July and therefore, he would be able to meet the target date of 1.8.1991. Unfortunately, however, the Punjab University ~~in the year of 1991~~ the examination was repeatedly postponed due to the disturbances in the State. The examination was finally held in June-July, 1991 and the results of the same were declared on 17.8.1991. Although the verification regarding passing of the examination was to be done only after the examination conducted by Respondent No.2 was over, applicant states that he considered it fit to inform the Respondent No.2 regarding the postponement of the Punjab University Examination. On that basis he also made a prayer to Respondent No.2 to allow him to appear at Physical Endurance Test and the Interview. He alleges that the Respondent No.2 however, rejected the candidature of the applicant vide impugned order dated 12.2.1992 (Annexure A7) on the ground that he did not possess the requisite degree on the cut off date i.e. 01.08.1991.

3. The applicant submits that delay in conducting the examination by the Punjab University was for reasons beyond his control. Further more, the cut off date imposed by the respondents had no nexus or justification to any public purpose and he states that the essential requirement was that he should have passed the examination before the completion of the qualifying test which was conducted by the Respondent No.2. For these reasons he seeks a direction to quash the impugned order dated 12.2.1992 by which his candidature had been cancelled and a direction to allow him to appear for the Physical Endurance Test and Interview and to appoint him in service if otherwise found fit.

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4. The respondents in their reply state that since the B.A. Degree result of the applicant was declared on 17.8.1991 i.e. after the cut off date of 01.08.1991, his candidature was rightly rejected. They also state that the crucial date fixed for determining the possession of educational qualification in all the open competitive examinations held by the Staff Selection Commission is applied uniformly. They also state that the applicant in Column-9 of his application for the aforesaid examination wrongly answered in affirmative to the question whether he possessed the minimum qualification as on 1.8.1991. Therefore, according to the respondents, the applicant had not come before the Tribunal with clean hands. They therefore, pray that the application may be rejected on this ground itself.

5. We have heard the learned counsel on both sides. Shri K.N.R.Pillai, learned counsel for the applicant relied on the order of this Tribunal in O.A.No.2145/92, decided on 06.11.1992 (Shri Anand Kumar Sinha Vs. Union of India & Another). We have perused this order. In that case a student of University of Delhi had applied before the Staff Selection Commission for the post of Inspector of Central Excise (Income Tax), etc. Examination, 1991, when the cut off date was the same in the year 1991 i.e. 1.8.1991. The applicant produced the Marks Sheet in support of his contention that he had passed the degree examination well before the cut off date but the Marks Sheet had been issued on 02.8.1991. His candidature was cancelled on the ground that he was not in possession of the necessary proof as on 1.8.1991. The application when it came before the Tribunal was allowed on the ground that result of the degree examination had already been declared and was ready with the

University of Delhi, and the issue of Marks Sheet of subsequent date after 1.8.1991 was only a ministerial act which could be delayed by any authority beyond the control of the applicant. The Tribunal held that the process of issuing of the marksheet on 2.8.1991 should be treated <sup>as an</sup> assumption that the applicant was also a graduate on 1.8.1991. In our view the ratio of this order does not apply in the present case. Admittedly, in the present case the result was declared on 17.8.1991, i.e., after the cut off date of 1.8.1991. On the other hand, as contended by Shri N.S.Mehta, the learned counsel for the respondents, in its order dated 19.9.1991 in O.A.No.1976/91 in a similar case, Shri Manoj Kumar Vs. Union of India & Others, the Tribunal held that where the applicant himself in the first place gave wrong information about the possession of the minimum educational qualification, on that ground alone the claim was liable to be rejected. In the present case also the applicant in his application form filled on 22.4.1991 (Annexure R3) gave an answer to the question regarding the possession of minimum educational qualification as on 1.8.1991 in the affirmative. Therefore, it is the ratio of Shri Manoj Kumar's case which would be more relevant in the present case.

6. Even otherwise, we are of the view that once a cut off date is determined, it is to be applied uniformly. In case any relaxations were to be given in a case like the present one, then candidates who were not able to apply because for some reason or the other, the examinations of their Universities was deferred or delayed, would be discriminated vis-a-vis the applicant. Once a cut off date has been determined, no variation should be in our view allowed. The respondents have stated in their reply that in

fact they are applying the cut off date in all the cases. No instance has also been cited before us in which examination was held after the cut off date and an exception was made.

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7. In the light of the above discussion, we find no merit in this application which is accordingly dismissed. No costs.

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(R.K.AHOOJA)  
MEMBER(A)

/rao/

A Vedavalli

(DR. A. VEDAVALLI)  
MEMBER(J)