

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.1321/93

New Delhi this the 23rd day of November, 1993.

THE HON'BLE MR J.P. SHARMA, MEMBER (J)  
THE HON'BLE MR B.K. SINGH, MEMBER (A)

Shri Virender Kumar,  
S/o Shri R.L. Vashisth,  
R/o House No.768/7,  
Subash Basti, Rewari,  
Harayana.

...Applicant

(By advocate Shri B.B. Sharma)  
Versus

The Lt Governor, through  
The Secretary,  
Government of National Capital  
Territory of Delhi  
New Delhi.

2. The Director of Education,  
Directorate of Education  
Government of National Capital  
Territory of Delhi  
Old Secretariat, Delhi.

...Respondents.

(By advocate Shri Kamal Choudhry, Proxy counsel for  
Shri Madan ~~Gra~~<sup>de</sup>, Counsel for the Respondents)

ORDER (Oral)

(By Hon'ble Mr J.P. Sharma, Member J) )

In O.A. 1321/93 the applicant appeared for the post of T.G.T. Sanskrit in view of the advertisement issued by the Directorate of Education in the year 1992. The grievance of the applicant is that he has been declared successful for the said post and annexed with the application Memo dated 17.2.1993 (Annexure I) asking the applicant to present himself before the authorities for verification of educational qualification etc. The applicant made a representation on 30th April, 93, explaining that though he has filled up the application form but he has made cross in the said application form in Col.11 in which Code number either 1 or 2 for SC/ST has to be shown. It is said that he has made a cross in the said column and so he for all practical purposes appeared as general category candidate. The grievance of the applicant

therefore, is that in spite of having cleared the competitive examination he has not been favoured with an appointment and in this application under Section 19 of the Administrative Tribunal Act, 1985 he has prayed for the direction to the respondents to appoint him as T.G.T. Sanskrit with all consequential benefits.

2. A notice was issued to the respondents who contested the application and stated that the applicant in the form for admission to the examination of TGT Sanskrit has shown himself as reserved category candidate and not a 'general category' candidate. For all practical purposes, the applicant was treated as 'Reserved category' candidate and his result was also declared on the standard which was fixed for the reserved category candidates. At the time of verification, it was found that the applicant belonged to 'general' category but he has shown himself in the form for examination as reserved category candidate. In view of this he could not be given any appointment. The applicant has also filed rejoinder.

3. We have heard the learned counsel of both the parties at length and also seen the original application form filled up by the applicant for the prescribed recruitment test. In the counter, the respondents have clearly stated that the applicant secured only 46% marks in the written examination where as cutt of marks in Sanskrit was 56.5 per cent for general category. It, therefore, negates success of the applicant. The result though published and the applicant was also informed to get his educational/cate certificate etc verified, yet the declation of result and subsequent correspondence has been on wrong information furnished.

4. The basic points to be determined in this case is whether applicant could be given an appointment as T.G.T Sanskrit as a general category candidate or not. It is not the case of the


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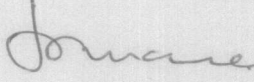


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applicant that he has secured above cut off marks i.e. 56.5%. His case is that since he was declared successful and that he was asked to present his testimonials for verification, he got a claim for appointment to the post of T.G.T. Sanskrit. It is also contended by the learned counsel that he only made a cross in front of Col No 11, did not indicate either 1 or 2. There is no allegation of any mala fide on the part of the respondents of tempering with the examination form. It gives a clear picture that there is also a cross which is less prominent, even the figure '1' on which the ink pressure has been increased to give it boldness and more visibility so that the cross mark remained in background. The respondents took the applicant <sup>belonging the</sup> to range to SC category. For SC category cut off marks was 46% and on that understanding, applicant was declared successful in the reserved category. This is also evident from the result shown on the applicant in the reserved category. The respondents have repeatedly asked applicant to furnish caste certificates and this time his stand has been that he belonged to the 'general category.

5. In view of these facts and circumstances, relief claimed by the applicant from this Tribunal cannot be granted obviously because he did not obtain percentage of marks which was required for general category candidate and his own admission that he does not belong to reserved category. So the respondents cannot be ordered to treat him as reserved category candidate. The application is, therefore, devoid of merit and is dismissed. Official records produced is returned. Cost on parties.

  
(B.K. SINGH)  
MEMBER (A)

  
(J.P. SHARMA)  
MEMBER (J)