

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 26th day of February, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.  
HON. MR. D. R. TIWARI, A.M.

O.A. No.1201 of 1996

Renu a/a 28 years W/O Ajai Kumar, presently working as  
Junior Research Fellow, Indian Institute of Pulses Research,  
Kanpur.....

.....Applicant.

Counsel for applicant : Sri S. Agarwal.

Versus

1. Union of India through the Secretary, Agriculture Deptt.,  
New Delhi.
2. Indian Council of Agricultural Research Krishi Bhawan,  
New Delhi.
3. The Director General, Indian Council of Agricultural  
Research, Krishi Bhawan, New Delhi.
4. Union of India through the Secretary, Ministry of  
Personnel Public Grievances and Pensions, Department of  
Personnel & Training, New Delhi.

.....Respondents.

Counsel for respondents : Sri B.B. Sirohi.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.K. Mishra holding brief of Sri S. Agarwal, learned counsel for applicant, Sri B.B. Sirohi, learned counsel for respondents and perused the pleadings.

2. The applicant was recommended by A.S.R.B. for the post of Scientist on the basis of A.R.S. Examination, 1994 against a vacancy reserved for Other Backward Classes (in short OBC). By impugned order dated 4.10.96, issued by Under Secretary with the approval of the competent authority her candidature for appointment to the post of Bio-Technology (Animal Science) came to be withdrawn and cancelled. The order purports to have been passed in view of the Govt.

RE

of India, Ministry of Personnel, Public Grievances & Training O.M. No.36012/22/Estt(SCT) dated 8.9.93 (Annexure A-2). It provides inter alia that 27% reservation for candidates belonging to OBC shall not apply to persons/sections mentioned in Column 3 of the Schedule to O.M. Column 3 of the schedule, interalia, refers to sons & daughters of Group A/Class-I officers of All India Central & State Services (Direct Recruits) whose parents fall under any of the categories (a) to (e). A perusal of the Schedule attached to the said office memorandum dated 8.9.93 would make it clear that the sons/daughters of persons, referred to in clause (a) to (e) in the category of Group 'A'/Class-I officers of All India Services for Central and State, are excluded from OBC. The proviso appended to this category, however, reads as under :-

"Provided that the rule of exclusion shall not apply in the following cases :-

- (a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.
- (b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job."

3. A conjoint reading of clauses (a) and (b) of the proviso extracted above, would make it clear that before their marriage daughters whose parents either of whom or both of whom are Class-I officers would come within the exclusionary clause but after marriage a lady belonging to OBC category who herself applies for a job, would not come within any of the exclusionary clauses (a) to (e) even if the husband is a Class-I officer. We are of the view that after marriage jural relationship of a lady with her natural parents comes to an end and for purposes of the O.M. such parent or parents is or are deemed to have ~~died~~ <sup>exsuffered civil death</sup>. The applicant was married before her selection for the post of

⑧⑨

Scientist Bio-Technology (Animal Science) and, therefore, her candidature was not liable to be cancelled merely because her natural father happened to be a Class-I officer.

4. The impugned order dated 4.10.96 (Annexure A-1) is liable to be quashed. The applicant shall be entitled to consequential benefits.

No order as to costs.

*Dhara*  
A.M.

*RG*  
V.C.

Asthana/