

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 22nd day of April, 1996

Original Application No.430 of 1996

District : Allahabad

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Pratyoosh Dwivedi Son of Sri Ram Chandra Dwivedi,  
R/o 101, Anand Bagh, Bairahana, Allahabad.

(By Sri R.C. Dwivedi, Advocate)

..... Applicant

Versus

1. Union of India through the Comptroller and Auditor General of India, New Delhi.
2. The Principal Accountant General, U.P., Allahabad.
3. Sri Satish Dorai, Accountant C/o Principal Accountant General U.P., Allahabad.
4. Shri Rakesh Sharma Accountant C/o Principal Accountant General U.P. Allahabad.

..... Respondents

O R D E R (O\_r\_a\_l\_)

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying that the trial and interview held on 27-12-1995 for recruitment against sports quota for cricket <sup>/be quashed</sup> and the respondents be directed to hold afresh trial and interview for the posts of Accountants <sup>/etc.</sup> <sup>/the</sup> against sports quota for cricket.

2. When the case came up for admission, we heard the learned counsel for the applicant. It appears from the averments in the OA that the office of the Principal Accountants General U.P. vide advertisement published in Employment News dated 7-13 October, 1995, invited

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applications on plain paper, from Indian citizens for appointment as peons, clerks, typists and accountants under sports quota, in the discipline of Table-Tennis, Volley Ball and Cricket. The applicant applied for the post of Accountant under sports quota for the discipline of cricket. He was called for trial on 27-12-1995 alongwith other candidates including one Sri Niyamat Ullah Khan. The applicant, however, was not called for interview. The applicant has challenged the aforesaid trial and interview on the ground that the said Niyamat Ullah Khan, who was called for trial as well as interview on 27-12-1995, did not fulfil eligibility criteria for selection in the sports quota as he had not played in the Inter University Cricket Tournament organised by the Inter University Sports Board. The applicant wrote a letter on 27-12-95 to the Principal Accountants General U.P. specifically mentioning that Sri Niyamat Ullah Khan was neither eligible for trial nor he had the required certificates to fulfil the eligibility criteria. This was followed by another representation dated 8-1-1996. The applicant on the other hand being a Zonal Level player and having represented the University of Allahabad in the Inter University Cricket (North Zone) Tournament sponsored ~~sponsored~~ by All India Inter University Sports Board was fully eligible for selection. He has pleaded that the entire procedure for selection was vitiated as the respondent no.2 had called Sri Niyamat Ullah Khan for trial and interview.

3. To the specific query put by us, the learned counsel for the applicant conceded that Niyamat Ullah Khan was not finally selected by the respondents against sports quota in cricket discipline. Had he been selected ~~xx~~ against sports quota in the cricket discipline, there would have been a *prima facie* case of arbitrary selection requiring issue of notice to the respondents to file reply. Since, however, Niyamat Ullah Khan was not finally selected, the fact that

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he was qualified for field trial and also for interview, as alleged by the applicant, cannot vitiate the entire selection proceedings. This being the only argument taken by the applicant in the OA, we find no merit in this application. The same is accordingly dismissed in limine.

*J. H. Dube*  
Member (J)

*W. R. P.*  
Member (A)

Dube/