

(16)

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL BENCH

ALLAHABAD BENCH

ALLAHABAD.

Allahabad: this the 19th day of July of 2000.

ORIGINAL APPLICATION No. 1027 of 1997

CORAM:.

Hon'ble Mr. Justice R.R.K. Trivedi. M.C.

Hon'ble Mr. S. Dayal, A.M.

Brijesh Kumar Verma

S/o Sri Ram Dev Verma

C/o Lallo Ram Tewari,

Govindpur(Bhulai Ka Pura)

Post Telianganj, Allahabad.

.....Applicant.

(Counsel for the Applicant: Sri Avinash Swarup. Adv)

Versus.

1. Union of India, through Ministry of Home, New Delhi.

2. The Director, Staff Selection Commission

Beli Road, Allahabad.

.....Respondents

(Counsel for the respondents : Sri P Mathur. Adv)

.....B (2)



ORDER

(Hon' Mr. Justice R.R.K. Trivedi. V.C.)

O.A No. 1027/97, Brijesh Kumar Verma Vs U.O.I and another. This application has been filed for direction to the respondents to allow the applicant to appear in the Type Writing Test with Medium of English to be conducted by the respondent as specially arranged for the applicant for recruitment to the post of Clerk- 1996.

2. We have heard, Sri Avinash Swarup for the applicant Sri. P Mathur for the respondents. It appears that in pursuance of advertisement, the applicant applied for appointment as Clerk in 1996. He appeared in the written examination and qualified. ^{was} He required to appear for typing test. It is not in dispute that from very beginning applicant has mentioned English as Medium for type test. However, on the date fixed for it, he was given admit card to appear in the type test from the Medium of Hindi. The applicant felt hopeless, he could not participate in the test though he was present. In Counter Affidavit in para 3 (d) facts are explained by respondent in the following words.

"That the respondent after going through the document of the applicants have found that the applicant had in fact opted for English as the medium of his type test in his application form, but due to an advertent and bonafide mistake on the part of the date processing agency his medium of type test was printed as Hindi and he was issued an admission certificate with this medium. It may however be submitted that the applicant did not approach the respondent as alleged by him. The allegation that the office of the respondent was closed on 22nd and 23rd of August 1997 is also false as the fact is that the office of respondent was fully opened on these date and all the candidates who came there have been issued duplicate admission certificate or any other work were duly attended to by the respondents".

3. From the aforesaid fact, it is clear that the applicant could not participate in type test on account of mistake of the office of respondents. He could not be allowed and suffered with the mistake of respondents.



..... Pg (2)

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4. Sri P Mathur learned counsel for the respondents submitted that the applicant in response to the notice to appear, ~~had~~ participated in the type test with the medium of Hindi. He has placed reliance on the documents (Annexure C.A.2). We have considered this document, however from this document it further strengthened ^{that} the applicant Brijesh Kumar Verma has been showed that he was present on the date but he was offered ~~in~~ Hindi Medium for type test. However, ⁱⁿ the counter affidavit, it has been asserted that the applicant ~~had~~ ^{did} ~~not~~ participate ^{in the} type test with Medium of Hindi. Even if the applicant ~~had~~ appeared for type test with the medium of Hindi, it was forced on him, on the account of mistake of the respondents and if he failed he could not be expected perform better in the medium of Hindi, which was not used by him and was not opted by him in his application form. In our opinion he is entitled for second opportunity of type test arranged specially for him by the respondents. The application is accordingly allowed, the respondent No.2 is directed to hold type test for the applicant with the Medium of English within a period of 2 month from the date of copy of this order be produced before him. If he ~~fails~~ succeeds in type test, he shall be given opportunity to serve the department against the vacancy, which was directed to be reserved by this court vide order dated 3.12.97 of this Tribunal.

No order as to costs.


A.M.


V.C.

/m.k.s/