

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 1st DAY OF October, 2010)

Hon'ble Dr.K.B.S. Rajan, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

Original Application No.1496 of 2004
(U/S 19, Administrative Tribunal Act, 1985)

Varsha Srivastava, aged about 26 years, Daughter of Late Girja Shanker Srivastava, Resdient of 568/Kha/320, Geetapalli, Alambagh, Lucknow. Presently residing at 41-A/3/317, Tilak Nagar, Allahpur, Allahabad.

..... Applicant

Present for Applicants : **Shri S. Lal, Advocate**

Versus

1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Secretary, Special Examination for Recruitment of Junior Hindi Translators in the Office of Controller General of Defence Accounts-2004.
3. Regional Director, (Central Region), Staff Selection Commission, 8-A-B, Beli Road, Allahabad.

..... Respondents

Present for Respondents : **Shri, Ajay Singh, Advocate**

ORDER

(Delivered by Hon. Dr. K.B.S. Rajan, Member-J)

The applicant was an aspirant for the post of Junior Hindi Translator in the office of the Controller General of Defence Accounts and in response to the Annexure 1 advertisement emanated from the

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office of the third respondent, she had applied for the said post. The applicant appeared in the examination. Vide Annexure A-2 result of the written examination was published in which the name of the applicant figured. However, when the final result was declared, the result of the applicant, along with that of three others was withheld on the ground that "their candidature is under verification". A show cause notice was issued by the 3rd respondent vide Annexure 5 stating that the applicant did not fulfill the requisite qualifications. The applicant submitted her reply to the same, vide annexure A-6, 6-A and 6-B. Even the University informed the respondent No. 3 by a separate communication vide Annexure A-7.

2. The applicant came to know that offer of appointment was issued to the three individuals whose result had been withheld along with that of the applicant, while the applicant was not given any offer. On enquiry, the applicant was informed that it was not possible to issue appointment letter to her, but no reason had been assigned.

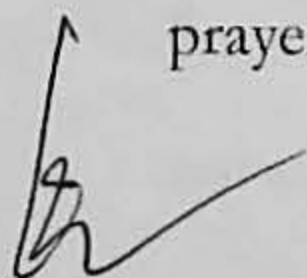
3. The case of the applicant is that when show cause notice issued was confined to qualification aspect and when the applicant had satisfied the respondent in this regard, there is no other reason that the applicant's appointment could ^{be denied &} and as had been done in the case of the other three candidates in whose case also the result was withheld and after verification these were appointed, in the case of the applicant also

the same should have been adopted. Hence, the applicant has preferred this O.A. for a direction to the respondents to issue necessary appointment order to the applicant.

4. Respondents have contested the O.A. According to them, though the applicant fulfilled the requisite qualifications about which earlier there was some doubt, in fact, in the final result on the basis of her merit, the name of the applicant could not figure in and as such, notwithstanding the fact that she had requisite qualifications, as she could not come in merit in the selection, she is not offered the appointment. In respect of the other three candidates, they having come in merit, they were issued the offer of appointment.

5. Rejoinder has been filed by the applicant reiterating the points raised in the O.A. and denying the contentions of the respondents.

6. As the matter is one of entry into government service, and as there was some waiting list also that was prepared, the applicant sought the indulgence of the Tribunal to call for the marksheet of the applicant as well as the other three candidates who were offered appointments. This prayer was allowed and the documents called for.



7. Respondents had produced the answer sheets as called for and have also explained as to how the applicant could not be selected, while the other three could be. Their explanation is as under:-

“3. As per the scheme of the examination after completion of the personality test/interview, the Commission after taking an overall view of the performance of the candidates prepare a final result on the basis of aggregate marks in Part I plus Interview. Depending upon the number of vacancies in different category viz. UR/SC/ST/OBC/XS&PH different cut-off marks in fixed for each category. All reserved categories are being given relaxation while deciding the cut off. Ms. Varsha Srivastava belongs to UR category, depending upon the number of vacancy in UR category, she (the petitioner) could not come within the cut-off marks fixed by the Commission. Taking into account Part I & Interview the cut off marks obtained by last recommended Select list UR candidate was 276 whereas, Ms. Varsha Srivastava had obtained only 258 marks. Out of the remaining 3 candidates, the candidate bearing Roll No.2410069 were UR candidates and they had obtained 283 and 277 respectively, which is within the cut off marks by the Commission, whereas, the candidate bearing Roll No.2070038 is an ST candidate and had obtained 235 marks which is within the cut off marks fixed for ST candidates.


4. Later, a reserve list of 10 candidates was also declared but, Ms. Varsha Srivastava could not find place in the reserve list also. The last cut off marks (including interview) obtained by last recommended UR candidate in Reserve List was 270 which was much higher than the marks obtained by Ms. Varsha Srivastava i.e. 258. The detailed result of Ms. Varsha Srivastava (along with 3 other candidates) has already been forwarded. The details of the cut off marks obtained by last recommended Select List UR candidate and Reserve List UR candidate is as follows:-

Cut off marks obtained by last SL UR candidate	Name of the candidate	Roll No.	Paper-I	Paper-II	Interview	Total
	Sh. Pankaj Dalal	1210665	133	111	32	276
Cut off marks obtained by last RL UR candidate	Ms. Himani Bali	6710028	147	105	18	270

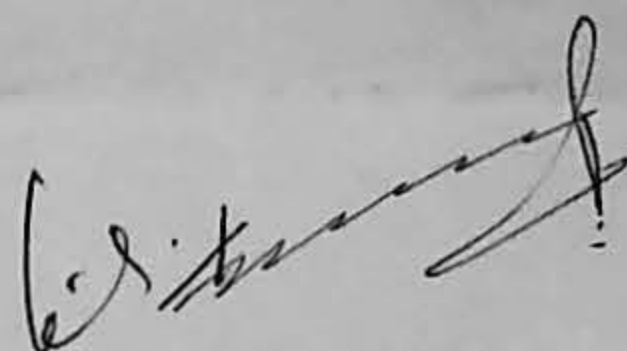
8. The above clarification clarifies the doubt. The applicant having not come within the merit list, notwithstanding the fact that she fulfilled the qualifications, she could not be issued with the offer of appointments.

9. Thus, no legal right of the applicant has been hampered and the decision of the respondents cannot be faulted with.

10. The O.A. therefore, stands rejected. Under the circumstances, there is no order as to costs.



(Mrs. Manjulika Gautam)
Member-A



(Dr. K.B.S. Rajan)
Member-J

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