

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 31st day of August 2004.

Original Application no. 625 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman  
Hon'ble Mr. D.R. Tiwari, Member-A

Vijay Shanker Pandey, S/o Sri A.N. Pandey,  
R/o B-4/20 Hanuman Ghat,  
Varanasi.

... Applicant

By Adv : Sri S.K. Pandey  
Sri A.K. Mehrotra

V E R S U S

1. Union of India through its Secretary,  
Ministry of Human Resource Development,  
New Delhi.
2. Regional Director, Central Region,  
Staff Selection Commission,  
5A-B, Beli Road, Allahabad.
3. Deputy Director (Exams), Staff Selection Commission,  
Central Region, 5A-B, Beli Road, Allahabad.

... Respondents

By Adv : Sri S. Singh

O R D E R

Hon'ble Mr. Justice S.R. Singh, VC.

Heard learned counsel for the parties and perused  
the pleadings.

2. The applicant was a candidate for Combined Graduate  
Level (Mains) Exam, 2004 which was scheduled to be held on  
27.6.2004. By impugned memorandum dated 03.06.2004 the  
applicant was informed that his application form has been

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found defective for the reasons that the Matriculation certificate and no educational certificate were not enclosed. Accordingly, in view of the said defect the application form of the applicant was rejected by the impugned memorandum dated 03.06.2004.

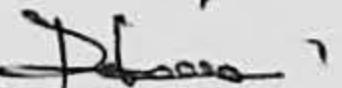
3. By interim order dated 25.6.2004, the respondent no. 3 was directed to issue provisional admit card and to allow the applicant to take the examination. The declaration of the result, it was provided in the interim order, would be subject to the decision by the Tribunal. It is submitted that the applicant had passed matriculation examination and was eligible to take the Combined Graduate Level (Main) Exam, 2004. Mere fact that the matriculation certificate was not enclosed would, by itself, not make the applicant in-eligible for Combined Graduate Level (Main) Exam, 2004. We are, therefore, of the view that in case the applicant has taken the examination as per interim order his result should be declared alongwith the result of other candidate subject, ofcourse, to the condition that he had passed the matriculation examination before the cut off date and files matriculation certificate, if not already filed before the Dy. Director Examination within one month from today.

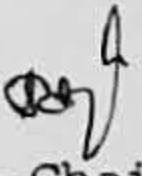
3. The submission made by Sri S. Singh, learned counsel for the respondents that the applicant is not entitled to the relief claimed in view of the fact that he did not fulfil the terms and condition of Brocher cannot be accepted. The grounds on which his application form has been rejected

is not one touching the eligibility criterarion. The decision of Hon'ble Punjab and Haryana High Court in Civil Writ Petition no. 13688 of 2001 referred to in the counter affidavit filed in this case will not apply in the present case.

4. Accordingly, the OA succeeds and is allowed. The impugned memorandum dated 02.06.2004 is quashed and the respondents are directed to declare the result of the applicant, if he has already taken the Combined Graduate Leval (Main) Exam, 2004 pursuant to the interim order passed by this Tribunal subject, ofcoruse, to the condition that he had passed the marticulation examination before the cut off datd and filed the matriculation certificate within one morth from today.

5. There shall be no order as to costs.

  
Member (A)

  
Vice-Chairman

/pc/