

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 31st day of August 2004.

Original Application no. 629 of 2004.

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

Vandana Singh, D/o Sri Dharma Pal Singh,  
R/o 52/6, Palwal Flats Radha Vihar Kamala Nagar,  
Agra.

... Applicant

By Adv : Sri B.D. Sharma

V E R S U S

1. Union of India through its Ministry of Human Resources and Development, New Delhi.
2. Deputy Director, SSC, 8A-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 (Main) Exam, 2004 which was scheduled to be held on 27.6.2004. By impugned memorandum dated 10.6.2004 the applicant was informed that his application form has been found defective for the reasons that the Matriculation certificate was not enclosed. Accordingly, in view of the said defect the application form of the applicant was

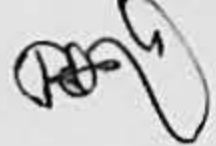
rejected by the impugned memorandum dated 3.6.2004.

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3. By interim order dated 25.6.2004, the respondent no. 2 was directed to issue provisional admit card to the applicant and allow her to appear in the examination aforesaid. The declaration of the result, it was provided in the interim order, would be subject to the final decision by the Tribunal. It is further provided that respondent no. 2 may permit the applicant to remove the defects by 12 O'Clock on 26.6.2004 and for this purpose the applicant was directed to appear before the authority concerned. 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 ineligible 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 her result should be declared alongwith the result of other candidates subject, ofcourse, to the condition that she 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.

4. 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 she did not fulfil the terms and condition of the Brocher cannot be accepted. The grounds on which her application form has been rejected is not one touching the eligibility criterion. The decision of Hon'ble Punjab and Haryana High Court



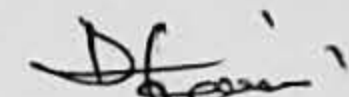
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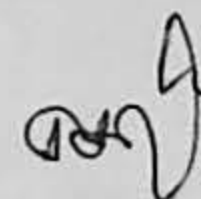
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in Civil Writ Petition no. 13688 of 2001 referred in the counter affidavit filed in this case will not apply in the present case.

5. Accordingly, the OA succeeds and is allowed. The impugned memorandum dated 10.6.2004 is quashed and the respondents are directed to declare the result of the applicant, if she has already taken the Combined Graduate Level (Main) Exam, 2004 pursuant to the interim order passed by this Tribunal subject, ofcourse, to the condition that he had passed the matriculation examination before the cut off date and filed the matriculation certificate within one month from today.

6. There shall be no order as to costs.

  
Member-A

  
Vice-Chairman

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