

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 31st day of August 2004.

Original Application no. 636 of 2004.

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

Karunesh Shukla, S/o Sri R.P. Shukla,  
R/o 753/2/86-A Ramanand Nagar, Allahapur,  
Allahabad.

... Applicant

By Adv : Sri S.K. Srivastava

V E R S U S

1. Union of India through Director,  
Staff Selection Commission,  
New Delhi.
2. The Regional Director (C R) Staff Selection Commission,  
8A-B, Beli Road, Allahabad.
3. Deputy Director Examination,  
SSC (C R), 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  
for the post referred in Yogna 'Ka'  
Level (Main) Exam, 2004 which was scheduled to be held on  
02.7.2004. By impugned memorandum dated 3.6.2004 the  
applicant was informed that his application form has been  
found defective for the reasons that the Matriculation  
certificate and other educational certificate were not  
enclosed. Accordingly, in view of the said defect the

...2/-

2.

application form of the applicant was rejected by the impugned memorandum dated 03.06.2004.

3. By interim order dated 30.6.2004, the respondents were directed to permit the applicant to appeal in the Combined Graduate Level (Main) Exam, 2004 for the post referred in Yogna 'Ka' and the respondents are also directed to issue the admit card in favour of the applicant. 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 said examination. Mere fact that the matriculation certificate was not enclosed would, by itself, not make the applicant ineligible for Combined Graduate Level (Main) Exam, 2004 under Yogna 'Ka'. 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.

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 he did not fulfil the terms and condition of Brocher form has been rejected is not one touching the eligibility critarion. 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 the present case will not apply.

3.

5. Accordingly, the CA succeeds and is allowed.

The impugned memorandum dated 2.6.2004 is quashed and the respondents are directed to declare the result of the applicant, if he has already taken the Combined Graduate Level (Main) Exam, 2004 under Yogna 'Ka' 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 dated 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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