

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/593/2019

HYDERABAD, this the 5th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member



1. Bodi Bharathi, D/o. B. Ramana, OBC,
Aged about 23 years,
R/o. D.No.31-53-23, Yadava Jaggarajupeta (Village),
Vodalapuid (Post), Gajuwaka (Mandalam),
Visakhapatnam (Dist), Andhra Pradesh.
2. Rowthu Lakshmi Gowri, D/o. R. Appala Swamy, OBC,
Aged about 25 years, R/o. D.No.38/30/13/1,
Sainagar, Marripalem (Post), Visakhapatnam (Dist.)
Andhra Pradesh ó 530 018.
3. Yarra Sirisha, S/o. Y. Simhachalam, OBC,
Aged about 22 years, R/o. D.No.40-2-385/1,
Santi Nagar Kailasapuram Road,
Visakhapatnam (Dist.), Andhra Pradesh ó 530 024.

...Applicants

(By Advocate : Smt Anita Swain)

Vs.

1. The Union of India rep. by its
Secretary, Ministry of Defence,
South Block, New Delhi ó 110 011.
2. The Chief of Naval Staff,
Integrated Headquarters of Ministry of Defense (Navy),
South Block, New Delhi ó 110 011.
3. The Flag Officer Commanding in Chief, (For CRC),
Head Quarters, Eastern Naval Command,
Arjun Block, 2nd floor, Naval Base,
Visakhapatnam ó 530 014.

... Respondents

(By Advocate: Smt K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

The OA is filed seeking the following relief:



to call for the records of the 3rd respondent and verify the same and declare the action of the respondents not considering the applicant for the post of Dresser and not issuing the call letter/Hall Tickets for written examination which is going to held on 7-7-2019 in spite of applicant's eligibility but issuing call letters to similar and lesser meritorious candidates is highly illegal arbitrary, discriminative and violation of article 14,16 & 21 of the constitution and apart from violation of principle of natural justice, hence direct the respondent to consider the applicant's application for the post of Dresser and issue hall tickets for appearing the written examination going to held 07-07-2019 at Visakhapatnam on par with other candidates, otherwise the applicant will face irreparable loss and damage which cannot be compensated by any means and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in the interest of justice.

2. By virtue of the interim order dated 02.07.2019 passed by this Tribunal, the applicants were allowed to appear in the examination conducted by the respondents.

3. The respondents have filed a detailed reply wherein they have stated that a Notification was issued in Employment News, calling for applications from candidates all over India. On receipt of applications from candidates all over India, scrutiny of applications was carried out by a Board of Officers to finalize the list of provisionally eligible candidates whose applications are complete in all respects as per the requirements notified in the advertisement. Where the applications received are large in number, the candidates



who were found eligible as per age, qualification and applications complete in all respects mentioned in the advertisement, was shortlisted in the ratio of 1:25 for provisional selection of candidates for written examination. The selection of the candidates for written examination is completely based on the details submitted along with applications by the candidates before the closing date for receipt of applications and no further communication with the candidate is entertained regarding eligibility.

4. It is further submitted by the respondents that the Written Examination for provisionally eligible candidates was conducted by a Board of Officers. In accordance with Integrated Headquarters Ministry of Defence (MoD) (Navy) Policy letter for short listing of candidates i.e., DCMPR/1001/POLICY dated 13 May 2015, the candidates qualified in Written Examination are called for Trade Test (qualifying basis) in the ratio of 1:10 as per merit in Written Examination.

5. After completion of Trade Test by Board of Officers, the marks obtained by the candidates in Written Examination and performance in the Trade Test were compiled by another Board of Officers and merit list was drawn on the basis of marks obtained in the order of merit and results of Trade Test. The list of candidates provisionally selected on the basis of merit for issue of offer of appointment was published in Indian Navy website i.e. www.indiannavy.nic.in. It is further stated by the respondents that they have honoured the order passed by this Tribunal and allowed the

applicants to appear in the examination. However, the marks obtained by the applicants in the examination are lower to that of the last candidate selected. The same is shown in tabular form as under:



Applicant Nos.	Name of the applicant	Category	% of marks	% of marks of last shortlisted candidate	S.No. of last eligible candidate	S.No. of applicant in the merit list of eligible candidates
1 st appln.	Bodi Bharathi	OBC	71.67	76	126	192
2 nd appln	Rowthu Lakshmi Gowri	OBC	48	76	126	475
3 rd appln	Yarra Sirisha	OBC	The application of the candidate has been rejected since the essential certificates enclosed to the application were not self-attested which is mandatory as per the advertisement Para 9			

6. Heard the learned counsel for the parties at length.
7. After hearing the learned counsel for the parties and after perusing the pleadings, this Tribunal finds that there is no point left to be adjudicated in this O.A. Accordingly, the O.A. is disposed of with a direction to the respondents to communicate the marks to the applicants. The applicants are at liberty to take legal recourse, if any.
- No order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

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