

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.833/2021

This the 27th day of September, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

N. Raghavendran
S/o Sh. N. N. Nagamanickam
Aged about 32 years, R/o PP1, 5/4
East Street Alampalayam,
Komarapalayam Taluk
Namakkal-638 008, Tamil Nadu.Applicant

(Through Advocate: Mr. Kaushal Yadav)

VERSUS

1. Union of India
Through Secretary, Ministry of Health
And Family Welfare, New Delhi.
2. All India Institute of Medical Sciences
Through its Director
Ansari Nagar, New Delhi.
3. All India Institute of Medical Sciences,
Bhuvneshwar
Through its Director
Post Sijua, Dumuduma, Bhubaneshwar
Orissa.Respondents

(Through Advocate: Ms. Harvinder Oberoi and Mr. Kaushal
Gautam for R-2 &3)





ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

With the consent of learned counsels for the parties, the matter is taken up for final disposal.

2. In the present OA filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged communication dated 19.03.2021 (Annexure A-1) vide which the candidature of the applicant is rejected. It is contended on behalf of the applicant that he had participated in the selection process for the post of Nursing Officer 'Group B' in the year 2020 and on being successful was allotted the said post at All India Medical Sciences, Bhubaneswar.

3. In the aforesaid background, the applicant has prayed for the following reliefs in the present OA :-

- (a) This Hon'ble Tribunal may graciously be pleased to quash/set aside the order dated 19.03.2021 of respondent no.3, communicated to the applicant by the respondent No.3 through email on the said date, whereby rejecting the candidature of the applicant, being a perverse, unreasonable and unlawful order.
- (b) Issue a direction to the respondent Nos. 2 and 3 to recruit the applicant to the post of Nursing Officer Group-B in AIIMS, Bhubaneshwar in terms of AIIMS, New Delhi notice/advertisement dated 05.08.2020.



c) Any such or further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.”

4. Pursuant to the notice from this Tribunal, the respondent no.3 has filed reply and with the said reply the respondents has annexed the letter dated 10.04.2021 (Annexure R-1&2) purportedly issued after considering the application/representation dated 22.03.2021 from the applicant. The said communication dated 10.04.2021 reads as under:-

“With reference to the application submitted by Mr. N Raghavendran dated 22.03.2021, who had appeared in NORCET 2020 for the post of Staff Nurse Grade-II/Nursing Officer. The candidate in his application has stated that he applied for NORCET 2020 examination in OBC (NCL) category and is eligible to avail age relaxation of 3 years as he was exceeding 30 years age at the time of submission of on-line application. His on-line application was accepted and he was allowed to appear the examination.

Further as per the result notification, the candidate obtained overall NORCET rank of 1894 on merit under OBC (NCL) Category and was provisionally selected for the post of Nursing Officer in AIIMS, Bhubaneswar.

During document verification, it was observed that the candidate has been selected in UR category due to his own merit. However he is not meeting the age criteria in UR category as he was 31 years old at the time of submission on-line application whereas the maximum upper age limit for applying the said post is 30 years in UR category.

Further the candidate has conveyed that he belongs to OBC (NCL) category and is eligible to avail age relaxation of 3 years. However, due to erroneous enlisting



of his name in UR category by AIIMS, New Delhi in the result sheet, the age relaxation has not been considered by the Document Verification Committee at AIIMS, Bhubaneswar.

In view of the above, it is proposed that to consider his candidature in OBC category so that he can avail the age relaxation of 3 years and will be eligible for issue of Offer of Appointment.

You are requested to take necessary action at your end please.”

5. In view of the aforesaid, Mr. Kaushal Yadav, learned counsel for the applicant submits that the present OA may be disposed of with a direction to the respondents to proceed ahead in selection/appointment of the candidates in accordance with relevant rules and practice in the matter.
6. In view of the aforesaid facts and circumstances, the present OA is disposed of with a direction to the respondents to take the matter of consideration of the appointment of the applicant to its logical conclusion by passing order(s) as expeditiously as possible and preferably within eight weeks of receipt of copy of this order.
7. It is further directed that if the applicant is appointed to the post under reference, he shall be entitled for the seniority and fixation of pay keeping in view, his merit position and with effect from the date, his immediate junior has been



accorded the benefits on notional basis. To this effect, the respondents shall pass necessary order(s) as expeditiously as possible and preferably within twelve weeks of the date of applicant's appointment.

8. OA is disposed of in the aforesaid terms. There shall be no order as to costs.

(R.N.Singh)
Member (J)

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(A.K. Bishnoi)
Member (A)