



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

**O.A. No. 1862/2021
M.A No. 2375/2021**

This 2nd Day of September, 2021

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

Varun Gaba
S/o Ashok Gaba
R/o 28/96, First Floor,
West Patel Nagar,
Delhi -110008

...Applicant

(Applicant in person)

VERSUS

CBSE
(Through its Deputy Secretary,
Administration Cell)
Shiksha Kendra, 2, Community Centre
Preet Vihar, Delhi- 110092

CBSE
(Through its Assistant Secretary,
Recruitment Cell)
Shiksha Kendra, 2, Community Centre
Preet Vihar, Delhi- 110092

...Respondents

(By Advocate: Sh. M. A. Niyazi)

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

In the present OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant states that pursuant to the Advertisement dated 15.11.2019 for direct recruitment to various posts, he applied for the post of 'Accountant'. There have been six vacancies in total, out of which, two were earmarked for 'unreserved' category and four were earmarked for 'reserved' category. The applicant participated in the selection process and was declared successful and the applicant submits that he stood second in the merit list in the result dated 28.09.2020. The applicant was further allowed by the respondents for document verification. However, abruptly without putting the applicant to notice, the respondents have cancelled the candidature of the applicant vide order dated 07.04.2021 (Annexure A-1) and have further issued revised result notice dated 15.04.2021 (Annexure A-2).

2. The applicant invites our attention to the impugned orders (Annexure A-1 and Annexure A-2) and argues that while considering his candidature, without assigning any reason as to how he does not meet the eligibility conditions for the post under reference, his candidature has been cancelled.

3. Issue notice. Sh. M.A. Niyazi, learned counsel who appears for the respondents on advance service, accepts notice. He submits that the result in which the applicant was found successful was provisional and the respondents were entitled to verify the correctness of his eligibility



for the post even subsequently. He further submits that no representation has been given by the applicant against the impugned orders.

4. Per contra, learned counsel for the applicant submits that in the notice issued by the respondents, it was provided that once the candidature is cancelled, no appeal/representation shall be entertained.

5. Sh. Niyazi, learned counsel for the respondents submits that the respondents have found that the applicant does not have the requisite experience as required under the relevant advertisement inasmuch as the applicant is not having the experience of working in Central/State/Statutory/Autonomous/PSUs Organizations. However, at this stage, he further submits that the respondents are ready and willing to consider the applicant's representation, if at all the same is preferred by the applicant in a time bound manner.

6. In the aforesaid facts and circumstances, with the consent of the learned counsels for the parties, the present OA is disposed of with liberty to the applicant to make a comprehensive representation to the respondents within five days from today and on receipt of such representation, the respondents shall consider the same keeping in view the relevant rules and instructions on the subject and dispose of the same by passing a reasoned and speaking order as expeditiously as possible. However, it is made clear that till such disposal/order, the respondents shall not fill up one post of Accountant under Un-Reserved category pursuant to the aforesaid advertisement, if the same has not been filled up as on date.



7. OA is disposed of in the aforesaid terms. However, in the facts and circumstances, there shall be no order as to costs.

Pending MA also stands disposed of accordingly.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

Sarita/pinky/