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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

T.A.No. 1273 of 1987

(W.P.No. 6419 of 1983)

Rakesh Kumar

....

Applicant

Versus

Union of India

....

Respondents

Hon. Mr. A.K. Sinha - Member (J)

Hon. Mr. B.K. Singh - Member (A)

(By Hon. Mr. B.K. Singh - A M)

This T.A.No. 1273 of 1987 Rakesh Kumar Vs. Union of India & others, has been transferred by the High Court Allahabad under the provision of the Administrative Tribunal Act XIII of 1985 and has been registered in this Tribunal as T.A.No. 1273 of 1987. It is an old case of Civil Misc. Writ Petition No. 6419 of 1983 which was filed in the High Court of Judicature at Allahabad.

2- The facts of the case in brief are that Shri Rakesh Kumar's name was sponsored by the Employment Exchange Aligarh, for the post of Labourer in the Month of July, 1982 for interview in the Govt. of India Press, Aligarh. That on 26-7-1982, Shri Rakesh Kumar was interviewed for the post of Labour in the Govt. of India Press, Aligarh and was declared selected for the said post on 28-7-1982. He was informed by the Manager, Aligarh Press that he had been selected for the post of Labourer and he was also directed to get himself medically examined from the Medical Officer of the Press. His Serial Number was 15 amongst the 22 selected candidates. On 2.8.1982 Shri Rakesh Kumar was medically examined and declared fit for the post of Labourer in the Govt. of India Press on 3-8-1982. That on 30-8-1982 when Shri Rakesh Kumar went to report for duty along with his certificates, he was told that he was not eligible for appointment being under-age. His date of birth was 1-2-1965 and as such he had not completed

रकेश कुमार

SHRI V. C. MISHRA,
Counsel for applicant
CLCAT BAR Aged.



17 years on the date of his selection. The plea of the petitioner is that there were employees in whose cases age relaxation was granted and they were paid less salary till they attained the age of 17 years and full filled eligibility criterion. The basis of these facts Shri Babonk Kumar filed Civil Misc. Petition before the High Court, Allahabad and has now come-up before this Tribunal to decide the matter. The contention of the applicant is that since the appointment formalities had been completed and he came from a poor family and at least on humanitarian grounds he should have been appointed to the post of labourer. He has also stated that he comes from an extremely backward class i.e. Kahar and as such deserves sympathetic consideration.

3- We have heard the learned counsel for the respondents.

4- The fact that the applicant was under-age is not denied in the application. It has also not been denied that he was under age by five months. It would be seen from the various documents placed on the record that the applicant had only been declared selected and declared medically fit. Part of the formalities no doubt had been gone through but no appointment letter had been issued to him after detecting that he was under age. The offer of appointment was, therefore, withdrawn. No right or claim can accrue to a post unless the candidate is selected and offered the letter of appointment and in pursuance thereof he joins. In this case neither the appointment letter was offered to him nor he was allowed to join the post. These are admitted facts. This court has no jurisdiction to intervene about the eligibility criteria laid down by the Govt. of India, Ministry of Works and Housing regarding the appointment to various



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posts in the Printing Press under them. Hon'ble Judges
Served H.M. Datta Bhattacharya and H.M. Munachia-JJ have held in
case of J. Rangaswami- Appellant Vs. Govt. of Andhra Pradesh
and others - Respondents 1990 AIR-535, that it is none of
the business of the courts to examine the relevancy and
suitability of qualifications prescribed for various posts
by the Government. In case of any grievance in respect of
eligibility criterion, the Appropriate Authority may be moved
for review of the qualification. In this judgment the prin-
ciples enunciated are clear. The courts are not competent
to examine the relevancy and suitability of the prescribed
qualification or eligibility criterion and accordingly
this T.A.No.1273/1987 is devoid of any merit or substance
and accordingly it is dismissed.

5- There will be no order as to the costs.



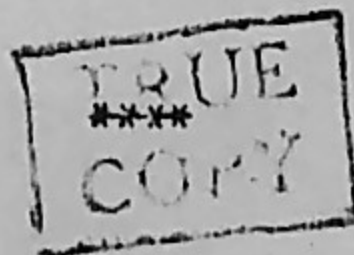
MEMBER-(A)

DATED:- August 19, 1993

(IS PS)

MEMBER-(J)

19/8/93

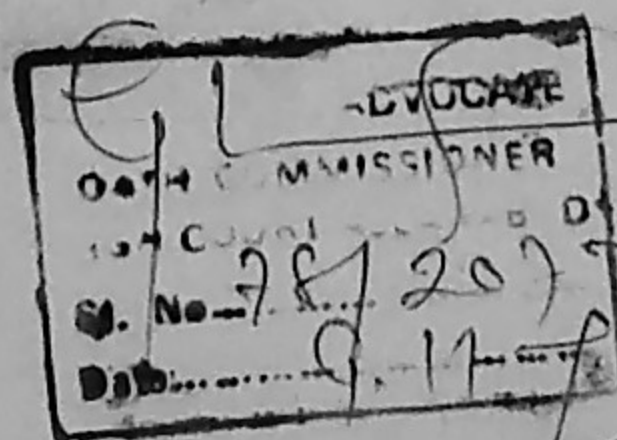


(R. N. PANDEY)

Section Officer
Central Administrative Tribunal
Allahabad.

Prepared
Dishit
29.9.93

01-11-93
Date of Delivery



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