

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 20th day of February, 1997

Original No. 638 of 1995

District : Allahabad

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T. L. Verma, J.M.

Abhishek Kumar Verma Son of Late Sushil
Kumar Verma, Resident of 52, Kapanpur, Prayag,
City and District Allahabad.

(By Sri AS Rai, Advocate)

..... Applicant

Versus

1. Union of India,
through the Ministry of Personnel,
Public Grievances and Pensions,
Department of Personnel and Training,
New Delhi.

2. Staff Selection Commission
through its Chairman,
New Delhi.

3. Staff Selection Commission through its
Regional Director, Central Region,
8-AB, Beli Road, Allahabad.

(By Sri Prasant Mathur, Advocate)

..... Respondents

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By Hon'ble Mr. S. Das Gupta, A.M.

The admitted position in this case filed under Section 19 of the Administrative Tribunals Act, 1985, is that the Staff Selection Commission (respondent no.2) had conducted a competitive examination on 4-9-1994 for recruitment to the post of LDCs for various Ministries/Departments of the Central Government and its subordinate other offices located in different States and Union Territories.

The applicant was a candidate from the Allahabad Centre. He appeared in the written test and in the list of successful candidates published in the 1-7 July, 1995, edition of the "Employment News", the Roll Number allotted to him appeared but it was indicated that he belonged to the SC category. The applicant made a representation for correction of the result and to indicate him as successful candidate in the general category as he did not belong to the SC category. Thereafter, the respondents issued the impugned order dated 16-8-1995 cancelling the applicant's candidature on the ground that on the redetermination of the result in his actual category, it was found that he did not qualify on the basis of his revised category. In this order the applicant's Roll Number was wrongly indicated as 2423540. This was subsequently amended by

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another order dated 19-8-1995, by which the Roll Number was amended to read as 2425484 which was his correct Roll Number. Challenging both these orders, the applicant has approached this Tribunal with a prayer that both the impugned orders be quashed and a direction be issued to respondent nos.2 and 3 to issue admit card to the applicant for appearing in forthcoming the typing test to be conducted by respondents no.2 and 3 and thereafter to declare the result of the applicant unconditionally. The applicant has also prayed for exemplary costs.

2. The applicant's plea is that in the application form he did not indicate that he belonged to the SC category, and, therefore, when his Roll Number appeared in the list of successful candidates in SC category, he himself took up the matter with the respondents for correction of the mistake. Instead of correcting the mistake, the respondents have cancelled his candidature for which he was earlier declared as successful. Even while doing that, the respondents had indicated a Roll Number which did not pertain to him and the subsequent amendment by which the Roll Number was corrected was not even communicated to him.

3. The respondents have appeared and contested the case by filing a counter affidavit. Their case is that in the application form submitted by the applicant, he had left the column meant for indicating the category ~~XXXXXX~~ blank. This led to a mistake

while feeding the applicant's data in the computer and thus erroneously his category was indicated as 'SC' instead of the general category. On the basis of marks obtained by him, he had qualified in the SC category and accordingly his Roll Number appeared in the list of successful candidates in the SC category. Subsequently, when the error came to light, his result was redetermined and it was found that he did not qualify as a general candidate having obtained less than cut off marks fixed for the general candidates. The impugned order, therefore, had to be issued. They have also admitted that while issuing the impugned order dated 16-8-1995, the Roll Number of the applicant was wrongly indicated due to a typographical error and this was subsequently corrected by the order dated 19-8-1995.

4. The applicant has filed a rejoinder affidavit in which he had denied that he had left blank column for indicating the category. He has stated that had that been so, his application would have been a defective one and the respondent no.2 would have been at liberty to reject his application on this ground alone. He has also pointed out that the SC candidates are not required to pay any fees for the examination whereas he had paid a fee of Rs.35/- which itself would have indicated that he did not belong to SC category. He has also alleged that the so called mistake on the part of the respondents in indicating his category was in fact not mistake but was a

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designed and calculated efforts on the part of Staff Selection Commission Authorities to accommodate their own men through the backdoor. A further plea taken by him is that before cancellation of his result, the respondents should have given notice to him and afforded him an opportunity to show cause why the impugned action should not be taken by the respondents.

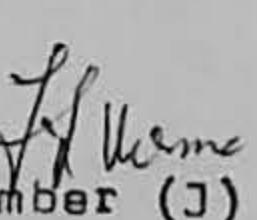
5. When the case came up for hearing for the first time, we were shown the application form in original submitted by the applicant. It was clear therefrom that the applicant had left the column for indicating the category blank. It was, therefore, clear that the respondents had made a mistake while feeding data in respect of the applicant in the computer as a result of which his candidature was considered ~~fixed~~ in the SC category. In view of this, ^{On} the only point ~~which~~, we wanted to satisfy ourselves was whether the applicant would have qualified in the written test, as a general candidate or not. In response to a specific query put by us to the respondents, they filed a supplementary affidavit in which it was specifically indicated that the cut off marks in the written test for general candidates of the U.P. Zone was fixed at 144. The applicant having secured 143 marks did not qualify for appearing in the typewriting test. In view of the somewhat unusual circumstances of the case and the fact that the applicant is supposed to have secured just one mark less than the cut off mark, we directed the

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respondents to file a computerised list of the candidates, in the general category, who had qualified in the written test and were called for typewriting test indicating the marks obtained by them. From this computerised list, which was submitted by the respondents it became clear that the last general candidate called for typewriting test had in fact secured 144 marks. We had also verified that the applicant had obtained 143 marks and, therefore, he failed to qualify in the written test and the fact that he failed only by one mark is nothing but a quirk of fate. We have also seen from the relevant file produced for our inspection by the respondents that the cut off percentage was fixed for U.P. Zone at 144 much before the controversy in the applicant's case had arisen.

6. In view of the foregoing, we are satisfied that the declaration of the result in respect of the applicant showing him as successful in the written test was genuinely a mistake. We are, therefore, unable to interfere in the matter. The application has to be dismissed.

7. In view of the foregoing, this application is dismissed leaving the parties to bear their own costs.


Member (J)


Member (A)

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