

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of November, 2003.

QUORUM : HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.
HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 1397 of 2003

Bipin Kumar Singh son of Shri Harihar Singh resident of
464/2, New Colony, Husainabad, Jaunpur...Applicant.
Counsel for applicant : Sri M.M.D. Agarwal.

Versus

1. The Union of India through the Secretary, Ministry of
Personal Grievances & Pension, Govt. of India, New Delhi.
2. Staff Selection Commission, Govt. of India through its
Secretary, 8A-B, Beli Road, Allahabad.
3. Deputy Director, Staff Selection Commission, Govt. of
India, 8A-B, Beli Road, Allahabad.

..... Respondents.
Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY HON.MAJ.GEN. K.K. SRIVASTAVA, A.M.

In this O.A. filed under section 19 of A.T. Act, 1985, the applicant has prayed that the impugned order dated 16.10.2003 be quashed rejecting the applicant's form for recruitment of Section Officer (Commercial), Exam, 2003 (Exam date 16.11.2003).

2. The facts of the case are that the Staff Selection Commission, Central Region (in short SSC), Allahabad published an advertisement in Rojgar Samachar dated 16.8.2003 inviting applications for recruitment of Section Officer (Commercial) Grade 'B', non-gazetted post in the office of Controller^{& Auditor}/General in the pay scale of Rs.6500-10500 all over the country. The date of examination mentioned in the advertisement was 16.11.2003. The last date for submitting the applications in pursuance of the above advertisement was 12.9.2003. The applicant, in pursuance of the adverti-




sement submitted application. However, his candidature has been rejected on the ground that the declaration has not been written in his own handwriting, aggrieved by which the applicant has approached this Tribunal.

3. Counsel for the applicant submitted that thousands of forms were rejected on flimsy grounds. The controversy of this nature was raised in O.A. No.1329/03 which was decided by the order of this Tribunal dated 7.11.2003. The relevant portion of the order of this Tribunal dated 7.11.03 is reproduced below :-

"....8. The last question for consideration is whether the benefit should be given to applicant only or to other candidates also and further whether the opportunity of rectifying the mistake should be given before or after the written examination. No other candidate has approached this Tribunal except the applicant. In the circumstances, we are required to give relief to the applicant and we leave it to the SSC to think over the matter again and form an opinion in the light of observations made above, whether the interest of large number of candidates should be also saved which may be done by simple exercise by giving notice, calling them to rectify the mistake committed in giving repeat certification. Such notice may be given individually or by means of general notice by means of Radio, Television or newspapers. This can be also done after holding the examination and candidates may not be deprived from appearing in the examination. These are only our suggestions and we leave it to the SSC to decide the course and the method by which justice may be given to the other candidates.

9. For the reasons stated above, this O.A. is allowed. The impugned order dated 17.10.2003 (Anne-I) is quashed. Respondent No.2 is directed to give opportunity to the applicant to give repeat certification in his application form and allow him to appear in the written examination scheduled to be held on 16.11.2003. The applicant shall appear before respondent no.2 alongwith copy of this judgment on 11.11.2003."




4. We are in respectful agreement with the order dated 7.11.2003, which is squarely applicable in this case.

5. In the facts and circumstances, the O.A. is finally decided at the admission stage itself. The O.A. is allowed. The impugned order dated 16.10.2003 annexed at page 7 of the O.A. is quashed. Respondent No.2 is directed to accept the hand written declaration sent by the applicant on 30.10.03 through speed post and allow him to appear in the written examination scheduled to be held on 16.11.2003. The applicant shall appear before Respondent No.2 along with copy of this judgment on 14.11.2003.

There shall be no order as to costs.

Copy of this order shall be given to counsel for parties by today itself.


J.M.


A.M.

Asthana/