

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 839 OF 2007

ALLAHABAD THIS THE 12th DAY OF MAY, 2008

HON'BLE MR. N.D. DAYAL, MEMBER-A

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Amrish Agrawal, S/o Sri Kaushal Kishore Agarwal, R/o
Purani Bazar, Brahman Toli, Muzaffarpur (Bihar).
.....Applicant

(By Advocate Shri H.L. Pandey)

V E R S U S

1. Union of India through Director, Appellate Authority, Room no. 416, Staff Selection Commission, Block 12, CGO Complex, Lodhi Road, New Delhi.
2. Deputy Director through Incharge Regional Director, Staff Selection Commission (Central Region), Allahabad.
3. Regional Director, Staff Selection Commission (Central Region), Allahabad. U.P.

.....Respondents

(By Advocate: Sri S. Singh)

O R D E R

N.D. DAYAL, MEMBER-A

An Examination was conducted for the post of Tax Assistant in Central Board of Direct Taxes on All India basis in 2006 wherein the applicant had appeared and qualified various tests. However, at the stage when he had to produce the relevant testimonials and certificates in support of his eligibility as per advertisement for the examination, it was found that OBC certificate

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produced by him was not in the correct format and un-acceptable. The respondents gave an opportunity to the applicant to produce the correct OBC certificate in the prescribed format within a specified period of time. However, although he produced the certificate, but it was dated 8.5.2007. Being prospective in nature, the respondents could not admit the said certificate even though it was in the Central Government format because it was not acceptable in terms of the advertisement and eligibility conditions specified therein, which had been applied to the case of other eligible candidates.

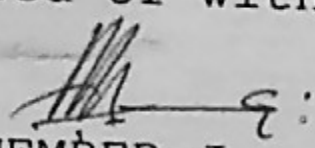
2. The learned counsel for the respondents submits that the applicant could always utilize these testimonials and certificates and appear in the next examination for Tax Assistant and his candidature would be considered in accordance with the advertisement to be brought out as well as Rules in that regard. The learned counsel for the applicant is apprehensive that the applicant may not be over-age by the time when the next examination is held. He, however, submits that being OBC candidate, the applicant is well within the age at present.

3. The learned counsel for the respondents has no instructions as to when the next examination is to be held, but he states that the examination is likely to be held more than once in a year.

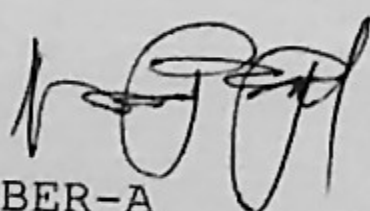
4. In view of the above, it would be open to the applicant to apply for appearance in the examination of Tax Assistants in Central Board of Direct Taxes on All India basis as and when the advertisement is brought out for the same and in case he applies for the same, the respondents shall consider his candidature accordingly at that time. It is submitted by the learned counsel for the

respondents that since the advertisement is brought out in major dailies/News papers, the applicant would come to know of next examination as and when it is so published.

5. With the above observations, the O.A. stands disposed of with no order as to costs.


MEMBER-J

GIRISH/-


MEMBER-A