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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 85 of 1993

Date of Decision: 3.10.1994

Deepak Misra

Applicant(s)

Versus

Union of India & Others

Respondent(s)

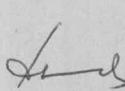
(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

03 OCT 94


(D. P. HIREMATH)

VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 85 of 1993

Cuttack this the 3rd day of October, 1994

Deepak Misra M:

THE HONOURABLE MR. JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Deepak Misra,
S/o. Shri S. Misra
Plot No. 814, Bhubaneswar Post Office Lane
PO: Budheswari Colony, Bhubaneswar-751006
District: Puri

Applicant/s

By the Advocate: M/s. Devanand Misra
Deepak Misra
R.N.Naik, A. Deo
B.S.Tripathy
P.Panda

Versus

1. Union of India, represented by its Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Block No. 12, Kendriya Karyalaya Parishar, Lodhi Road, New Delhi
2. Secretary, Staff Selection Commission, Block No. 10, C.G.O. Complex New Delhi - 110 003

Respondent/s

By the Advocate: Mr. U.B. Mohapatra,
Addl. Standing Counsel (Central)

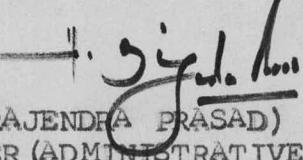
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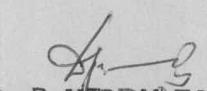
O R D E R

D.P.HIREMATH, V.C.: Having heard both the learned counsels we came to the conclusion that the petitioner herein had not attained the required age on 1.1.1989 as ^{could} be made out in the advertisement published by the Staff Selection Commission in Annexure-R/1. Admittedly he was born on 15.3.1970 and the age limit was between 20 to 25 years as on 1.1.1989. We are not persuaded to accept the argument of learned counsel for the applicant that the age prescribed in the advertisement should be taken as age prescribed in the

date of examination as advertisement does not leave any room for such speculation at all. The advertisement has also made it amply clear in para 24 that the Commission did not undertake any scrutiny of the applications before the written examination and although allowed to appear at the examination on purely provisional basis subject to their eligibility being verified after the examination. The onus lies on the candidate before submitting his application to read carefully the eligibility conditions for the examination and satisfy himself that he fulfils all the eligibility conditions. Therefore, note stoppel operates against the respondents herein simply because they have received the application of the applicant and permitted him to appear for the examination. It was urged by Shri U.B.Mohapatra, learned Additional Standing Counsel (Central) for the respondents that in view of considering the large number of candidates as spread through out the length and breadth of the country it becomes wholly only impossible to scrutinise the applications even before permitting them to appear for the examination, and therefore, without giving any room to the candidates that they were unfairly left out from appearing in the examination they are permitted to appear provisionally and scrutiny takes place later. We think there was no impediment fed of in the ^{for the commission} to apply this course advertisement in view of the large number of candidates aspiring for being selected. As records disclose, that the applicant had not attained the age prescribed when he

applied for the examination. There is no merit in this application. The same is dismissed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(D. P. HIREMATH)
VICE-CHAIRMAN

03 OCT 94

B.K.Sahoo//