

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

No. A. No. 695 OF 1994  
Cuttack, this the 18th day of September, 2000.

Bimal Prasad Mishra, ....

Applicant.

-VKS.-

Staff Selection Commission  
and others. ....

Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes -
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO -

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

S. N. S. S.  
(SOMNATH SOM)  
VICE-CHAIRMAN  
18/9/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

C. A. No. 695 OF 1994.  
Cuttack, this the 18th day of Sept., 2000.

**CRAM:**

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

BIMAL PRASAD MISHRA,  
S/o, Late Suryamani Mishra,  
Village-Jhadeswarpur, P.O: Haladia,  
via, Nischinta Kali, Dist. Cuttack. .... **Applicant.**

By legal practitioner: M/s. Y. M. Chanty, F. C. Biswal, B. N. Chanty,  
Adv-Cates.

-VRS.-

01. Staff Selection Commission,  
Government of India represented through  
Regional Director (ER),  
Eastern Regional Office,  
5, Esplanade Row West Calcutta.
02. Deputy Director, Staff Selection Commission,  
Government of India Department of Personnel  
and Training, 5 Esplanade Row West Calcutta-1.
03. Under Secretary, Staff Selection Commission,  
Government of India, Department of Personnel  
Public Grievances and Pensions, Block No.12,  
Kendriya Karyalay Parisar, Lodi Road,  
New Delhi-3.
04. The Comptroller and Auditor General of  
India, New Delhi, Indian Audit and Accounts  
Dept-10 Bahadur Shah Zafar Marg, Indraprastha  
Head Post Office, New Delhi-2.

... Respondents.

*S. J. S.*  
By legal practitioner: Mr. U. B. Mahapatra, Additional Standing  
Counsel (Central).

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the Respondents 1 to 4 to withdraw Annexures-9 and 11 and declare that the applicant has been duly selected for the post of Section Officer (Audit) in the office of the Comptroller General of India, New Delhi, Respondent No. 4.

2. Respondents have filed counter opposing the prayer of the applicant.

3. We have heard Mr. U. B. McChapatra, learned Additional Standing Counsel (Central) appearing for the Respondents and have also perused the records.

4. The undisputed facts of this case can be briefly stated. Applicant is an ex-service man and he applied to the Staff Selection Commission for the Post of Section Officer (Audit). The minimum qualification for the post was B.A. from a recognised University with 50% marks. Applicant took the examination and finally results were published at Annexure-7/A. Applicant's result was published under the heading provisional.

*J. Jum* Respondents have pointed out that along with his original Application the applicant had not sent the marksheets of his degree examination and that is why his admission to the examination and declaration of result was done provisionally. On verification of his BA mark sheet, it was found that he has got 448 marks out of 900, in his graduation which falls short of 50%. That is why in the impugned order his candidature and provisional result was cancelled. Applicant has stated that he has got 49.78% of marks and this according to him should have been rounded off to 50% and he should have been declared eligible to take the examination. Respondents

have pointed out that as 50% marks was indicated as the minimum essential qualification, there is no scope for relaxation. In case such a relaxation is made in case of the applicant several other cases may come up seeking the same relief. We find from that records that it was clearly indicated that the essential qualification is graduation with 50% marks. Applicant has not submitted his degree marks sheet alongwith his application. That is why he was provisionally admitted to the examination and his result was provisionally published. As he has not got 50% he can not claim that his marks should be rounded off and to be taken as 50%. We therefore hold that this contention is without any merit.

5. In the result, we hold that the application is without any merit and the same is rejected. No costs.

*l. n. t*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som.*  
SOMNATH SOM  
VICE-CHAIRMAN  
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KEM/CM.