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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK**

O.A. NO. 534 OF 2001

Cuttack, this the 16<sup>th</sup> day of April, 2004

P. K. SINGH

.....

**Applicant**

**Vrs**

UOI & ORS

.....

**Respondents**

**FOR INSTRUCTIONS**

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

*Naik*

**(S.K.NAIK)  
MEMBER(A)**

*B*

**(B.PANIGRAHI)  
VICE-CHAIRMAN**

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH  
CUTTACK

O.A. 534/2001

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.  
Hon'ble Mr. S.K. Naik, Administrative Member.

Pravat Kumar Singh

- v e r s u s -

Union of India and Ors.

For the applicant : Mr. Sameer K. Das, counsel.  
For the respondents : Mr. B. Dash, counsel.

Date of order: 16.04.2004

O R D E R

Per Justice B. Panigrahi, VC

In this O.A. the applicant has challenged the purported selection of respondent No. 3 (L.M. Singh) to the post of EDBPM, Podasul B.P.O. and has prayed for a direction to the respondents 1 & 2 to call the applicant for selection on the basis of marks secured in the matriculation examination.

2. The case for the applicant is that pursuant to a notification dated 7.2.2000 issued by the SPO Balasore inviting applications for filling up the post of EDBPM, Podasul B.P.O., the applicant submitted his application within the stipulated date. The post was reserved for ST candidate and the applicant also belongs to ST community. According to the applicant, he is a matriculate and is a permanent resident of the village in which the B.P.O. is located. He has also annexed to his application all the requisite documents. The applicant passed the CBSE examination in 1995 securing 48% marks and has own independent income from landed property. He has also obtained residential certificate from

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the concerned authority. It is his grievance that he was not called for selection whereas the respondent authorities have selected the respondent No.3 though he secured lesser marks than the applicant and he was also not a permanent resident of the village in which the B.P.O. is located. According to the applicant, he secured 241 marks out of total of 500 marks thereby his percentage of marks was 48% whereas the respondent No.3 obtained 245 marks out of 700 total marks and thus his percentage of marks was only 35. Even then the respondent authorities have selected the respondent No.3 denying the rightful claim of the applicant. Hence this O.A. with the above prayer.

3. The respondent authorities have filed reply contesting the claim of the applicant. It is stated that 13 candidates applied for the post and out of them respondent No.3 only had fulfilled all the conditions of eligibility for the post and was found to be top in the merit list and, therefore, he was selected vide letter dated 14.12.2001. However, in the meantime, the present applicant moved this Tribunal by filing the instant O.A. in which interim order was passed. Since appointment to respondent No.3 was issued prior to the receipt of the interim order of the Tribunal, the appointment of the respondent No.3 was subsequently modified by incorporating the rider that his appointment would be subject to the result of this O.A. However, the said respondent No.3 declined to accept the offer.


4. It is not denied that the present applicant obtained 48.2% marks in HSC examination but according to the respondents, his application form was not filled up properly inasmuch as he did not answer the queries made in Sl. No. 5(a) to 5(f) of the application form and left the said



columns vacant. Therefore, the application received from the applicant was not in order and incomplete. Accordingly his candidature was rejected. In support of this action respondents have relied on a decision of this Bench of the Tribunal in O.A. No. 591/2000 (Smt. Subhasini Madhi Vs. UOI) wherein it has been held that incomplete information in column 5 of the form may render the candidature of a person invalid. A copy of the order of the Tribunal has also been annexed to the reply.

5. The applicant has filed a rejoinder in which he has submitted that he furnished requisite information in response to queries made in column 5 (a) to 5 (f) has he mentioned that he would take up residence in the post village before appointment. He has also annexed a xerox copy of his application to his rejoinder.

6. We have heard Id. counsel for the parties and have gone through the documents placed on record. As it appears the only ground on which the candidature of the applicant who no doubt secured more marks than the respondent No.3, was turned down was that he did not fill in the application form properly inasmuch as he left the queries made in para 5 of the application form blank. We have also gone through the xerox copy of the application form annexed to the reply as well as to the rejoinder. We find that the applicant kept vacant all the columns in respect of 5 (a) to 5 (f) and only in response to query at paras 5 (g) and (h) he gave his answer in the affirmative. From the copy of the advertisement annexed to the application at Annexure-1, we find that it was clearly indicated therein that "the applications not properly filled in and not accompanied with required documents will be summarily rejected."



7. From the copy of the judgment passed by this Tribunal in O.A. 591/2000 on 2.8.2001 (Annexure-R/3) we find that this Tribunal has observed that the candidate who does not furnish vital information called for in column 5 of the prescribed application form and unless the department is satisfied with the answers in respect of those queries even if he is otherwise fit for selection, cannot be selected or appointed to the post. From the copy of the application form annexed by the applicant himself to his rejoinder, we find that the applicant did not give any answer to queries at Para 5 (a) to 5(f) and (i) and left those portion blank. If for this lapse the respondent authorities consider the application of the applicant as incomplete for want of vital information, no fault can be found with the decision of the respondent authorities in that regard. Merely securing more marks does not entitle a person to be appointed to a post, he should at the same time, adhere to the other instructions issued by the authorities in connection with the filling up of the post. Thus the application form of the applicant being incomplete, his candidature was not considered and he was, therefore, not called for verification of records.

8. As already indicated in the reply the respondent No. 3 has declined to accept the offer of appointment and, therefore, the official respondents are taking steps for selecting other suitable candidate from the panel. In any event we do not find any irregularity or arbitrariness in the decision of the respondent authorities in not considering the candidature of the applicant.

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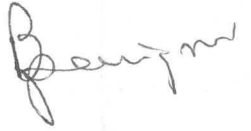
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9. In view of the above, we find no merit in the case of the applicant and accordingly it is dismissed. No costs.

~~John~~

Member (A)



Vice-Chairman.