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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

O.A No. 35/2002.

Date of Order : 04.02.2002

Jogendra Parihar s/o Shri Dayal Singh Parihar, aged about 27 years R/o C-155, Dharam Narain Campus, Pota 1st, Jodhpur (Rajasthan).

... APPLICANT.

v e r s u s

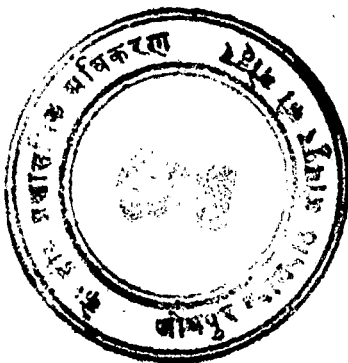
1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Assistant Secretary, Railway Recruitment Board, 2010, Nehru Marg, Near Ambedkar Circle, Ajmer (Rajasthan).

... RESPONDENTS.

Mr. S.K. Malik counsel for the applicant.

CORAM

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.



: O R D E R :

(per Hon'ble Mr. Justice O.P. Garg)


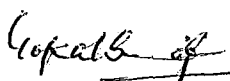
The applicant has challenged the Advertisement No. 1/2001 issued on 25.10.2001, by the Railway Recruitment Board, Mumbai, which is Annexure A-8 to this Original Application, on the ground that it is discriminatory and violative of Articles 14 and 16 of the Constitution of India inasmuch as the post of Staff Nurse is reserved only for female candidates. It is alleged that the applicant who is well qualified for the post has been wrongfully denied the opportunity to apply against the post of Staff Nurse female.

2. Heard the learned counsel for the applicant.

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3. It is stated that though test/interview letters have been issued to the eligible female candidates, no such letter has been issued to ~~the~~^{the} the applicant, primarily on the ground that he is a male candidate. The advertisement in question indicates that the requirement of the department is for female staff nurses and not for male staff nurses. The advertisement is need-based. Since the applicant is not eligible for the post of female staff nurse on account of his being a male candidate, the call letter has not been rightly issued to him. Advertisement in question cannot be challenged with reference to the provisions of Article 14 and 16 of the Constitution of India, particularly when the post of staff nurses is meant for female candidates. The female staff nurse is a separate category and since the applicant is not a female candidate, he cannot complain of any discrimination.

4. The O.A. is completely devoid of merits and is accordingly dismissed in limine with no order as to costs.



(GOPAL SINGH)
Adm. Member


(JUSTICE O.P. GARG)
Vice Chairman