

H/S

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 24/2011

Jodhpur this the 19th day of February, 2013.

CORAM

**Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J) and
Hon'ble Ms. Meenakshi Hooja, Member (A)**

Hitesh Kumar Darji S/o Shri Ganesh Lal Darji
C/o Shri Shankar Lal Tailor, 54 Bahubali Colony
Bohra Ganeshji Maintained Road
Udaipur

.....Applicant

(Through Advocate Mr. Sanjay Mathur)

Versus

1. B.S.N.L., through its Chairman & Managing Director,
Corporate Office – BSNL Bhawan, Harish Chandra Mathur
Lane, Janpath, New Delhi
2. The Divisional Engineer (Admn), G.M.T.D., B.S.N.L.,
Udaipur
3. The Chief General Manager, BSNL, Rajasthan Circle,
Sardar Patel Marg, Jaipur
4. The Assistant Director (Recruitment), C.G.M.T., B.S.N.L.,
Rajasthan, Jaipur
5. The General Manager, Telecom, B.S.N.L., Jaipur

.....Respondents

(Through Advocate Mr Lalit Vyas and Vasudev Vyas)

ORDER (Oral)

Per Justice Kailash Chandra Joshi, Member (J)

The applicant by way of this application has
challenged the validity of the order Annexure-1 by which the
respondent No. 2 has cancelled the appointment order of the

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applicant on the post of Telecom Technical Assistant (TTA) in pursuance to examination held on 11/01/2009. D/16

2. The brief facts of the case are that the respondent No. 3 issued an advertisement dated 09.10.2008 whereby the respondent No. 3 invited applications from the eligible candidates for the post of TTA. In pursuance to that advertisement the applicant applied for the same. The applicant appeared in the examination and he was declared successful as total 17 posts were available out of which 3 posts were vacant for the OBC category, therefore, the respondent no. 1 issued letter dated 25.07.2009 directing the petitioner to appear for the training at Ahmedabad commencing from 3.8.2009. As per the roster 21% of the vacancies must be reserved for the OBC category out of the total 17 vacancies. The applicant was placed at serial number 5 and serial number 2 in reserve list. Subsequently the applicant was informed that his appointment letter was cancelled on administrative ground, therefore, he challenged the legality of that order. The applicant in his application averred that the roster system has not been properly applied by respondents while keeping the reserved post for OBC category.

3. The respondents in their reply categorically denied the right of the applicant to be appointed on the post of TTA and they further averred that in OBC category 3 vacancies were available as per the roster record and as per Central Govt. orders 20%

reservation is available for the OBC category in the Rajasthan and the respondents in support of their averment filed the Annex. R-4, the order of the DoPT alongwith the chart of States prescribing the extent of the reservation in each State. In reply it has been further averred that among the OBC candidates, the first meritorious candidate was Shri Yogendra Sharma, second meritorious candidate was Amar Chand Kataria, third meritorious candidate was Rakesh Kumar Verma, fourth meritorious candidate was Shri Bhanwar Lal Teli and fifth was the applicant, Shri Hitesh Kumar Darji. Thus, he was placed in reserved list at serial number 2. Inadvertently, the office issued the order of appointment to the applicant alongwith Shri Bhanwar Lal Teli, therefore, this order was immediately cancelled by the competent authority.

4. Heard both the counsels and also perused the record. The counsel for the applicant contended that the number of posts for OBC candidates were wrongly reserved because 21% reservation is available for the OBC candidate. Per contra counsel for the respondents contended that as per the annexure R-4 only 20% reservation is available in Central Services in the state of Rajasthan for OBC and accordingly 3 posts were kept reserved out of the total 17 vacancies for the OBC category.

5. Counsel for the applicant did not shown any relevant rule or circular which prescribe 21% quota reservation for the OBC in Central Services in the State of Rajasthan whereas the counsel for