

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.OA 22 of 97

Date of order : 15.7.03

Present : Hon'ble Mr.Justice B.Panigrahi, Vice-Chairman

Hon'ble Mr.S.Biswas, Administrative Member

BISWA BHUSAN NANDI

VS

UNION OF INDIA & ORS.

For the applicant : Mr.P.Chatterjee, counsel

For the respondents: Mr.M.S.Banerjee, counsel

O R D E R

Justice B.Panigrahi, VC

The applicant is an ex-serviceman having rendered service in the Indian Air Force about 15 years commencing from 22.2.78 till 28.2.93. Pursuant to the notification about filling up of 57 vacancies in the post of Data Entry Operator Gr.'B', the applicant submitted an application for being considered for appointment from reserved quota for ex-serviceman. The requisition was also sent from the Employment Exchange. The applicant's candidature was submitted by Zilla Sainik Board, Calcutta. Thereafter he was called for written test held on 18.9.94. He has appeared in the written test and also became successful in the written as well as viva-voce test but since the respondents did not issue any order of appointment from the reserved quota, therefore he has filed this application.

2. The respondents have filed their reply to the said OA. It has been inter alia stated in the reply that a candidate for the Data Entry Operator Gr.'B' must have passed B.A., B.Sc., or B.Com. with Mathematics or Statistics as one of the subjects in the Degree Level from a recognised University or equivalent. Since the applicant was only a Matriculate and his qualification was relaxed by a notification passed by the Dept.of Personnel & Training being O.M. No.15012/8/82-Estt(D) dated 12.2.86, he was permitted to appear in the written test

as well as viva-voce test but later on when it was examined that the applicant did not possess the requisite qualification for having Mathematics or Statistics as one of the subjects he could not be considered for being appointed even\$ from reserved quota (Exserviceman).

3. We have been taken through a notification passed by the Dept.of Personnel & Training. In the said notification, it has been clearly stated that while a defence personnel has put in 15 years of service he can be considered for being employed in the post where graduation qualification is prescribed. So far as his employment is concerned, where the qualification is prescribed as graduation, the applicant can no doubt be considered, but in the instant case the respondents have prescribed the qualification of graduation with Mathematics or Statistics as one of the subjects. In the notification it was advertised that the person having graduate qualification with Mathematics or Statistics shall be considered, but the applicant did not possess either qualification. Therefore the respondents could not be found faultwith for having not considered the applicant's application for the post of Data Entry Operator.

4. Accordingly we are inclined to dismiss the application. There shall be no order as to costs.

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MEMBER(A)

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*B. S. Bajaj*

VICE-CHAIRMAN