

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.109/2001.

Dated: 23.2.2001

Coram: Hon'ble Justice Shri Ashok Agarwal, Chairman,
Hon'ble Shri B.N.Bahadur, Member (A).

Unmesh Gopal Dindore,
Jayant Darshane 303,
Somwar Peth,
Near Apollo Theatre,
Pune - 411 011. ...Applicant.
(By Advocate Shri A.M.Joshi)

Vs.

1. Staff Selection Commission,
New Delhi (Notice to be
served upon the Chairman
Shri K.M.Lal).
(By Advocate Shri V.G.Rege)

: O R D E R (ORAL) :

{Per Justice Shri Ashok Agarwal, Chairman}

Heard Shri A.M.Joshi, learned advocate on behalf of the applicant and Shri V.G.Rege, the learned advocate on behalf of the Respondents.

2. Applicant, in response to an advertisement issued in Employment News of 30th October - 5th November, 1999 (at Annexure -A) appeared for a written test and has qualified for CPO and has been found unqualified for certain other posts viz. Inspector of Central Excise, Auditors, Accountants etc. After aforesaid results have been declared, applicant has instituted the present OA by contending that it was not open to the Respondents to have declared the results of the written test separately. They could have declared the result finally only after viva voce test was conducted. Reliance is placed on the following recitals to be found in the advertisement:

"Selection of Candidates:
After the Exam and the interview wherever

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applicable, the Commission will draw up All India merit list on the basis of the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by the Commission to be qualified shall be recommended for appointment upto the number of unreserved vacancies available.

The Commission will recommend the candidates in the merit list on the basis of the aggregate marks and option given by the candidates in Col.17 of Application Form depending on the number of vacancies available. Once the candidate has been given first available preference, he will not be considered for the other options. However, Commission reserves the right to nominate the candidate to any post based on his merit position. THE CANDIDATES ARE ADVISED TO EXERCISE OPTIONS IN COL. 17 OF APPLICATION FORM CAREFULLY.

Provided that, candidates belonging to the Physically Handicapped categories or Ex-Servicemen may, to the extent the number of vacancies reserved for them cannot be filled on the basis of general standards, be recommended at relaxed standards to make up for the deficiency in the reserved quota subject to fitness of such candidates for selection irrespective of their ranks in the order of merit.

The candidates belonging to Other Backward Classes, who are found to be qualified at the examination may be recommended for appointment by the Commission, by going down the merit list for the OBC's to the extent of vacancies reserved for them subject to the fulfillment of the basic minimum standards prescribed by the Commission.

The candidates belonging to any of the Scheduled Castes or the Scheduled Tribes may to the extent of the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes be recommended by the Commission by a relaxed standard, subject to the fitness of these candidates for selection to the service.

Provided that the candidates belonging to the Scheduled Castes, the Scheduled Tribes and OBC's who have been recommended by the Commission without resorting to the relaxed standards shall not be adjusted against the vacancies reserved for the Scheduled Castes and the Scheduled Tribes and OBC's.

Candidates appointed to posts in categories of Auditors in the office of Accountant General (Audit) in various States and other Audit and Accounts Offices under the C&AG and in the categories of Jr. Accountants in the various departmentalised Account offices in Central Ministries/Departments would be required to pass a departmental confirmatory examination within a prescribed period/number of chances failing which,

they would be liable to be discharged from service.

Persons appointed as Divisional Accountant (Probationer) would have to pass the departmental examination, called Divisional Accountant Grade Examination within a period of 2 years. Services of Persons who fail to pass this examination within the stipulated period of 2 years are liable to be terminated.

NOTE: CANDIDATES ARE REQUIRED TO SUBMIT ALONGWITH THEIR APPLICATION CERTIFICATES IN SUPPORT OF THEIR CLAIMS REGARDING AGE, EDUCATIONAL QUALIFICATIONS, SCHEDULED CASTES/SCHEDULED TRIBE/OTHER BACKWARD CLASSES AND DISABILITY ETC. FOR VERIFICATION. THE CANDIDATES APPLYING FOR THE EXAMINATION SHOULD ENSURE THAT THEY FULFILL ALL THE ELIGIBILITY CONDITIONS FOR ADMISSION TO THE EXAMINATION. THEIR ADMISSION AT ALL THE STAGES OF EXAMINATION FOR WHICH THEY ARE ADMITTED BY THE COMMISSION VIZ. PRELIMINARY EXAMINATION, MAIN (WRITTEN) EXAMINATION AND INTERVIEW TEST WILL BE PURELY PROVISIONAL; SUBJECT TO THEIR SATISFYING THE PRESCRIBED ELIGIBILITY CONDITIONS. IF ON VERIFICATION AT ANY TIME BEFORE OR AFTER THE MAIN (WRITTEN) EXAMINATION AND INTERVIEW TEST. IT IS FOUND THAT THEY DO NOT FULFILL ANY OF THE ELIGIBILITY CONDITIONS, THEIR CANDIDATURE FOR THE EXAMINATION WILL BE CANCELLED BY THE COMMISSION.


THE CANDIDATE MAY BE PERMANENTLY DEBARRED FOR THE EXAMINATIONS CONDUCTED BY THIS COMMISSION IN CASE CANDIDATE FRAUDULENTLY CLAIMS SC/ST/PH/EXS STATUS."


2. In other words, according to the applicant all the candidates who had appeared are entitled to be called for interview and a combined results should be declared only after assessing the marks assign^{ed}~~ing~~ both for the written test as also interview. In our Judgment, aforesaid recital to be found in the advertisement cannot and does not lay down the aforesaid proposition. All that the same lays down is that in respect of candidates who are successful in the written test, their results will be declared after they are assessed also for viva voce test. It is impossible to suggest that the Staff Selection Commission

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should be bound to invite all the applicants who have appeared for the written test, and whether have passed or failed for a viva voce test. It is the case of the respondents that even for the post of CPO the applicant is found to be ineligible being overaged.

3. In the circumstances, we find that the present OA is devoid of merit, the same is accordingly summarily rejected.


(B.N. BAHADUR)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

B.