

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW .

INDEX SHEET

CAUSE TITLE O.A. 304 of 1989 (L)

Name of the parties P. V. Chaudhary Applicant.

Versus.

Union of India Respondents.

Part A.E.C.

Sl. No.	Description of documents	Page
1	check list	A1-A2
2	order sheet	A3
3	Judgment	A4 -
4	Petition	A5 - A12
5	Power	A13
6	Annexure	A14 - A17
7	Bench copy	A18 - A20

Certified
Certified that the L.A. & L.L.
assigned for
23/12/11

21/6/11

19/5/92

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(PA)

Registration No. 304 of 1989(L)

APPLICANT(S) P. V. Chaudhary
RESPONDENT(S) Union of India

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? Yes
2. a) Is the application in the prescribed form? Yes
b) Is the application in paper book form? Yes
c) Have six complete sets of the application been filed? 2 sets Filed
3. a) Is the appeal in time? Yes
b) If not, by how many days it is beyond time? —
c) Has sufficient case for not making the application in time, been filed? —
4. Has the document of authorisation/Vakalatnama been filed? Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/- Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? —
c) Are the documents referred to in (a) above neatly typed in double space? Yes
8. Has the index of documents been filed and paging done properly? Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? —

Particulars to be Examined

Endorsement as to result of examination

Original application/duplicate copy/spare copies signed ?

yes

12. Are extra copies of the application with Annexures filed ?

—

a) Identical with the Original ?

yes

b) Defective ?

—

c) Wanting in Annexures

—

Not Filled ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ?

—

14. Are the given address the registered address ?

yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

—

17. Are the facts of the case mentioned in item no. 6 of the application ?

yes

a) Concise ?

yes

b) Under distinct heads ?

yes

c) Numbered consecutively ?

yes

d) Typed in double space on one side of the paper ?

yes

18. Have the particulars for interim order prayed for indicated with reasons ?

yes

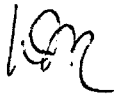

19. Whether all the remedies have been exhausted.

yes

minesh/

:: 1 ::
 OA No 304/89 (L)

(A3)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
4.12.89	<p>Hon. Justice K. Nair, V.C. Hon. K. J. Ramani, J.M.</p> <p align="center">Put up this case to-morrow for submission.</p> <p align="center">   J.M. V.C. </p>	

Received
 copy
 to
 8/12/09




Dinesh

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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 304 of 1989 (L).

Prabhakar Verdhan Chaudhary Applicant.

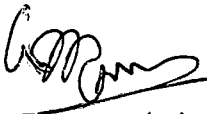
Versus

Union of India & another Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

It has been decided by the Jabalpur Bench of this Tribunal in the case of Kedar Nath v. Union of India & others (1986 (1) A.T.C. 523) that the Indian Council of Agricultural Research is an authority for which a notification under Section 14(2) of the Administrative Tribunals Act, 1985 is the requisite for conferring jurisdiction on this Tribunal to entertain the cases of its employees. Dr. Dinesh Chandra, appearing on behalf of the respondents, has contended that no such notification has been issued; the learned counsel for the applicant is not able to say that any such notification has been issued.

2. In the circumstances we hold that this Tribunal has no jurisdiction. The application is, therefore, rejected for want of jurisdiction; it will be open to the applicant to move ~~before~~ the appropriate authority.


MEMBER (A).


VICE-CHAIRMAN.

Dated: December 5, 1989.

PG.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL LUCKNOW BENCH

h
Deputy Registrar

Prabhakar Verdhan Chaudhary son of Shri Anand Swarup
Chaudhary, resident of B-1, 15/69, Sector 'K', Aliganj,
Lucknow.
...Applicant

Versus

1. Union of India through Secretary Department of
Agriculture, New Delhi.
2. Project Director National Mithun Research Center,
Bhartiya Krishi Anusandhan Parishad, Rashtriya Mithun
Anusandhan Kendra, Jowai Marg, Dhan Kehti, Shillong-3.

...Respondents.

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Sl. No.	Descriptions of documents Relied upon	Page No.
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For use in Tribunal's Office

Prabhakar Vardhan Chaudhary
Signature of the
applicant

Filed today
Date of filing
or
Date of receipt by post
Registration No.

Signature
For Registrar

++Duplicate saved on learned counsel for O.P.S.
Case fixed to day. The case may be listed
for admission and stay in the matter of Del. Anus.
I am going out A.S. Chaudhary Advocate

(46)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL LUCKNOW BENCH

Prabhakar Verdhan Chaudhary son of Shri Anand Swarup
Chaudhary, resident of B-1, 15/69, Sector 'K', Aliganj,
Lucknow.Applicant

Versus

1. Union of India through Secretary Department of
Agriculture, New Delhi.
2. Project Director National Mithun Research Center,
Bhartiya Krishi Anusandhan Parishad, Rashtriya Mithun
Anusandhan Kendra, Jowai Marg, Dhan Kheti, Shillong-3.
...Respondents.

DETAILS OF APPLICATION:

1. Particulars of the order against which which the
application is made:

Advertisement of the Central Government
published in Rozgar Samachar, 7-13 October 1989.

Bhartiya Krishi Anusandhan Parishad,
Rashtriya Mithun Anusandhan Kendra,
Jowai Marg, Dhan Kheti, Shillong-3.

Advertisement No. NRCM (R) 3/88

Sl. No. 1 Sahayak Prashasnik Adhikari.

It prescribes 50% of marks in Bachelor Degree
for eligibility.

Enclosure No. 1 is the copy of the said advertisement.

Prabhakar Verdhan Chaudhary

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2. Jurisdiction of Tribunal:

The applicant declares that the subject matter of ^(advertisement) the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:

- A. That the applicant is a candidate to appear in the competitive examination for the post of Assistant Administrative Officer, which has been advertised at ~~xxx~~ Sl. No. 1 in the above said advertisement.
- B. That the advertisement debars a candidate from appearing in the competitive examination for the post who has secured less than 50% of marks in graduation.
- C. That the applicant secured 61% marks in the High School examination and 60.8% marks in the Intermediate examination from U.P. Board.
- D. That in B.Com. final the applicant secured 56.5% marks. The applicant appeared in B.Com. previous while he was suffering from typhoid. He could not afford

Prabhakar Vardham Chaudhary

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to drop the examination on account of monetary and family problems. In the circumstances he could secure only 37.8% marks in B.Com. previous. Thus the percentage of marks of graduation fell to 48.5% marks.

E. That the above advertisement has prescribed 50% marks in Bachelors degree, which permits even a candidate to appear in the competitive examination even though he has secured 33% of marks both in High School and Intermediate examination. A candidate who has passed the High School and Intermediate examination has been ~~and~~ allowed to appear in the competitive examination for the above said post, even though ~~he~~ he had passed the examination by awarding grace marks.

5. Grounds for relief with legal provisions:

- i. Because the applicant had passed High School and Intermediate examination in Ist Division.
- ii. Because even in B.Com. part II examination the applicant had secured 56.5% marks and it was ~~was~~ only because of the one time bad performance of the applicant during B.Com. part I examination, that his over all percentage fell below 50%.
- iii. Because one time accidental slip of a person caused for the reasons beyond his control can not become a life long curse for him at least in the matter of employment where the selections are made on the basis of competitive test and interview.

Prabhakar Vardham Chaudhary

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iv. Because the minimum 50% marks at degree stage is a faulty prescription, in as much as it excludes those maritorious candidates who had secured 1st division in under graduate examinations and ~~xx~~ even in the IInd year degree course had obtained marks far higher than 50%, but their over all marks had come down due to poor performance in one year of graduation examination even accidentally on the one ~~had~~ hand and on the other hand this prescription makes eligible even those candidates whose over all performance had been quite poor but incidently they could secure 50% marks during the graduation.

v. Because the condition of 50% marks having been secured during degree examination is illogical particularly in the context of the written competitive examination.

vi. Because the applicant whose over all marks in B.Com. are 48.5% is entitled to appear in the competitive examination for the post in question.

vii. Because even in prestigious examinations like I.A.S., I.P.S. and P.C.S. no percentage of marks during degree examination has ever been prescribed as the minimum.

viii. Because the prescription of 50% of marks infringes the ~~xx~~ right of applicant of service which is violative of Article 16 of the Constitution of India.

6. Details of the remedies exhausted:

The applicant declares that it is not possible to avail any remedy in the circumstances of the case. The respondents can not be approached ~~due~~ due distance and shortage of time. More over ther is no remedy available to the applicant.

7. Matters not previously filed or pending with any other court:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is ~~is~~ pending before any of them.

8. Reliefs sought:

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs:-

- (I) To issue a writ order or direction in the nature of certiorary quashing the impugned condition in so far as and to the extent 50% of marks at degree level has been mentioned as the minimum essential

Ralhakar Vardham Chaudhary

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academic qualification for the candidates to appear in the written test and interview for the post of Assistant Administrative Officer as advertised in enclosure No. 1 after summoning its original.

(II) To issue a writ or direction in the nature of mandamus commanding the respondents to accept the application of the applicant and refrain from rejecting the same on the ground that the applicant has secured less than 50% marks in degree examination.

(III) To issue any other order writ which may be deemed fit in the circumstances of the case.

9. Interim order, if any prayed for:

Pending final decision on the application, the applicant seeks the following interim relief:

The Central Administrative Tribunal Lucknow Bench may kindly be pleased to direct the respondents to refrain from insisting upon 50% marks at degree level as the minimum educational qualification for the post of Assistant Administrative Officer and further direct them to entertain the applicant's application and in any case not to reject the same on the ground that the over all marks secured at degree level are 48.5% and not 50%.

10. That applicant prays for hearing at the admission stage.

Prabhakar Vardhan Chaudhary

A/2

11. Particulars of the Postal Order.

DD
Postal Order No. 6 839240 issued on 26/10/89
by High Court Post Office, Lucknow.

12. List of enclosures:

1. Acopy of relevent advertisement
A Photo
2. ~~Attested~~ copy of High School Marksheet
A Photo
3. Attested copy of Intermediate Marksheet
4. ~~Attested~~ copy of B.Com. Marksheet
A Photo

VERIFICATION

I, Prabhakar Verdhan Chaudhary, son of Shri Anand Swarup Chaudhary, aged about 21 years, resident of B-1, 15/69, Sector 'K', Aliganj, Lucknow do hereby verify that the contents of paras 1, 4, 6 to 12 are true to my personal knowledge and paras 2, 3 and 5 are believed to be true ~~on~~ on legal advice and that I have not suppressed any material fact.

Date: 27.10.89

Place: Lucknow:

Prabhakar Verdhan Chaudhary
Signature of the
applicant

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ब अवालत श्रीमान

Central Administrative Tribunal
Allahabad Bench महोदय

[वादी] अपीलान्ट

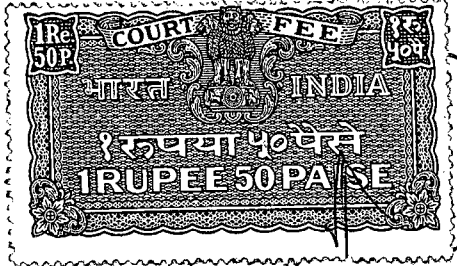
Prabhakar Varadhan Chaudhary

प्रतिवादी [रेस्पान्डेन्ट]

श्री

का

वकालतनामा



वादी (अपीलान्ट)

Prabhakar Varadhan Chaudhary
मुकदमा नं० सन्

बनाम

Union of India
प्रतिवादी (रेस्पान्डेन्ट)

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

A.S. Chaudhary

वकील

महोदय

एडवोकेट

नाम अवालत
मुकदमा नं० नाम
फरीकन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये

Prabhakar Varadhan Chaudhary
हस्ताक्षर

27.10.89.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

A15

अंक पत्र — हाई स्कूल परीक्षा १९८२

माध्यमिक शिक्षा परिषद् उत्तर प्रदेश द्वारा संचालित १९८२ की हाईस्कूल परीक्षा में
निम्नलिखित परीक्षार्थी द्वारा प्राप्त अंकों का विवरण :—

अनुक्रमांक	परीक्षार्थी का नाम	जन्मतिथि वर्ग क्रमांक
275268	PRABHAKAR VARDHAN CHAUDHARY	26-01-68 C JU1171
विद्यालय/केन्द्र का नाम		परीक्षा प्रवर्ग संस्था./व्यक्ति
MAHARAJA AGRASEN INTER COLLEGE LUCKNOW		FULL EXAM REGULAR

विषय	अंश पूर्व अंक	अंश पश्चात् अंक	विद्यमानसार प्राप्ति								कुल अंक	संग्रहीत अंक
			प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या	प्रश्न संख्या		
HINDI	100	33	18	17	20						055	TOTAL 300 PASSED FIRST DIV
GENERAL MATHS	100	33	28	32							060	
ENGLISH	100	33	37	28							065	
COMM ECON-BANKG	200	66	40	33	21	31					125	

जाचकर्ता के हस्ताक्षर

दिनांक

नोट—आवश्यक सूचना पीछे मुद्रित है।

प्रधानाचार्य
के हस्ताक्षर

मुख्य

Principal

Maharaja Agrasen Vidyalaya,
Moti Nagar, Lucknow.

Marks attested

PP Waish

1.11.89

(प्रेम विद्यालय के अध्यक्ष)

ज्येष्ठ अध्यापक, विभागीय,

मूल्यांकन विभाग

राज्य विधीयन संस्थान

उत्तर प्रदेश, लखनऊ

Prabhakar Vardhan Chaudhary

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अंक पत्र - इन्टरमीडिएट परीक्षा १९८४

माध्यमिक शिक्षा परिषद् उत्तर प्रदेश द्वारा संचालित १९८४ की इन्टरमीडिएट परीक्षा में
निम्नलिखित परीक्षार्थी द्वारा प्राप्त अंकों का विवरण :-

अनुक्रमिक परीक्षार्थी का नाम वर्ग क्रमांक
0156701 PRABHAKAR VARDHAN CHAUDHARY C1 0013740

विद्यालय/केंद्र का नाम परीक्षा प्रवर्ग संस्था./व्यक्ति.

AHARAJA JAGRASEN INTER COLLEGE LUCKNOW FULL EXAM REG

विषय	अधिकतम अंक	प्राप्त अंक	प्रश्नपत्रानुसार प्राप्तांक	योग	संकेत	संकेत प्राप्त अंक
GENERAL HINDI	100	33	1-018 2-015 3-024	57		304/500
ENGLISH	100	33	1-028 2-029	57		488/500
BK & ACCOUNTANCY	100	33	1-039 2-035	74		1ST
BOK & RT REPORTS	100	33	1-030 2-026	56		
MATH & ELE STATS	100	33	1-024 2-030	60		

जांचिकर्ता के हस्ताक्षर

दिनांक 5-7-84

नोट - आवेदनक सूचना पीछे मंडित है।

प्रधानाचार्य

के हस्ताक्षर

मुहर

Marks attested
PR Vardhan
1.11.84

(प्रेश विद्यार्थी सहायक)

ज्येष्ठ सूचना अधिकारी,

पूर्यांकन एवं मूल्यांकन प्रभाग

राज्य नियोजन संस्थान

उत्तर प्रदेश, लखनऊ

Prabhakar Vardhan Chaudhary

LUCKNOW UNIVERSITY



Sl. No.

1407

Statement of Marks—B. Com. (Final) Examination of 1986.

Enrollment No.

Roll No. 8857

LUCKNOW

Dated... 14.8.1986.

Name... Pralokar Vardan Chaudhary s/o d/o.

Papers	Group I			Group II			Group III (Advanced Accounting and Auditing)			Group IV (Advanced Banking)			Group V (Elements of Actuarial Science)		
	I. Mercantile Law	II. Secretarial Practice and Company Law	Total	I. Statistical Methods	II. Public Finance	Total	I. Cost Accounts & Income Tax	II. Auditing	Total	I. Law and Practice of Banking	II. Banking India & Abroad	Total	I. Integrated Calculus and finite differences	II. Probability and Life Contingencies	Total
Max. Marks	100	100	200	100	100	200	100	100	200	100	100	200	100	100	200
Min. Marks			66			66			66			66			66
Marks Obtained	39	42	81	80	61	141	64	51	115						
Group VI															
I. Currency Credit and Exchange		II. Economics History of India		TI		I. Marketing Practice and Finance		II. Trade of India		Total		Aggregate B. Com. (Final) (excluding General English)			
100	100	200	100	100	200	100	100	200	100	100	200	800*	600*	1400	
		66			66			288*			216*			48504	
Aggregate obtained in B. Com. (Previous)															
Combined Aggregate of B. Com. Previous and Final for purpose of Division															
Result (Division obtained)															
I. Short Essays															
II. Essays and Composition															
Total															
75	75	150	50												
Result General English															
REMARKS															