

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.B.C.

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1	Checklist	A1-A2
2.	order sheet	A3
3	Judgment	A4-
4	Petition	A5-A12
5	Power	A13
6	Annexure	A14 - A17
7	<u>Resch copy</u>	215 850

Certified
Certified the 21st of May
2001
for
23/5/92

21/6/11
Fresher
19/5/92

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(CAT)

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 cause 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 paginated 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 ?	

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(62)

Particulars to be Examined

Endorsement as to result of examination

Are application/duplicate copy/spare copies signed ?

Yes

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

- a) Identical with the original ?
- b) Defective ?
- c) Wanting in Annexures

Yes

No. of Pages No. ?

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

Yes

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 ?

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

Yes

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

Yes

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

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

Yes

Yes

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

Yes

19. Whether all the remedies have been exhausted.

Yes

Unjustly

:: 21 ::

OB 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. N. Mukherjee, V.C. Hon. K. T. Ramam, I.M.</p> <p>Put up this case No written for submission.</p> <p>10/12/89 A.M. V.C.</p> <p>3</p> <p>Received copy 8/12/10/91</p> <p>✓ ✓ ✓ ✓</p>	

Dinesh

A4

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

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

Prabhakar Verdhan Chaudhary Applicant.

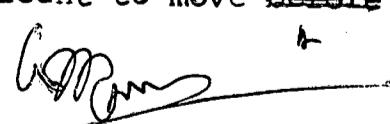
Versus

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.

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IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL LUCKNOW BENCH

Deputy Registrar (J)

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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5.	B.Com. Marks Sheet of applicant	..11
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For use in Tribunal's Office

Prabhakar Verdhan Chaudhary
Signature of the
applicant

Filed today
Date of filing
or
Date of receipt by post
Registration No.
1/11/09

Signature
For Registrar

Two advocates served on learned counsel for O.P.S.
Case fixed to day. The case may be listed
for admission and A day in the month of Dec. 2009
I am going out A.S. Chaudhary advocate

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 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

2. Jurisdiction of Tribunal:

The applicant declares that the subject matter of (advertisements) 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 ~~xx~~ 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

AD

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 ~~been~~ allowed to appear in the competitive examination for the above said post, even though ~~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.

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iv. Because the minimum 50% marks at degree stage is a faulty prescription, in as much as it excludes those meritorious candidates who had secured 1st division in under graduate examinations and ~~even~~ even in the IIInd 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 ~~hand~~ hand and on the other hand this prescription makes eligible even those candidates whose over all performance had been quite poor but incidentally 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 ~~the~~ 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

(All)

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.

PrabhakarVardhan Chaudhary

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. A copy of relevant advertisement
Photo
2. Attested copy of High School Marksheets
Photo
3. Attested copy of Intermediate Marksheets
Photo
4. Attested copy of B.Com. Marksheets

VERIFICATION

I, Prabhakar Verdhhan 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 Verdhhan Chaudhary

Signature of the

applicant

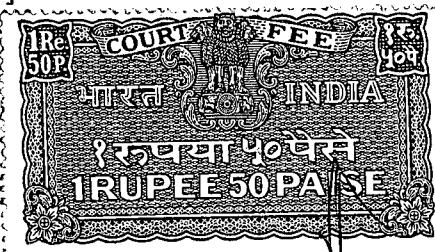
ब अवालत श्रीमान

Central Administrative Tribunal
Prashkar Vardhan Chaudhary का महोदय

[वादी] अपीलान्ट

Prashkar Vardhan Chaudhary का वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्ट)

Prashkar Vardhan Chaudhary बनाम प्रतिवादी (रेस्पान्डेन्ट)
मुकदमा नं० सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से थी

A.S. Chaudhary

वकील
महोदय
एडवोकेट

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 जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया 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 रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे लिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम करेंगे।

Prashkar Vardhan Chaudhary २१.१०.८९
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

A15

अंक पत्र — हाई स्कूल परीक्षा १९६२

माध्यमिक शिक्षा परिषद् उत्तर प्रदेश द्वारा रांचीते १९६२ की हाई स्कूल परीक्षा में
निप्रलिखित परीक्षार्थी द्वारा मास अंकों का विवरण :—

अनुक्रमांक	परीक्षार्थी का नाम	जन्मतिथि दर्शक अंक
275268	PRABHAKAR VARDHAN CHAUDHARY	26-01-68 C.J.01171
विद्यालय/केन्द्र का नाम		परीक्षा प्रवाह संस्था/क्षेत्र

MAHARAJA AGRASEN INTER COLLEGE LUCKNOW FULL EXAM REGULAR

विषय	प्राप्ति	प्राप्ति	प्रियाननार प्राप्ति								प्राप्ति
			प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	
HINDI	100	33	18	17	20					955	TOTAL 305
GENERAL MATHS	100	33	28	32						560	PASSED
ENGLISH	100	33	37	28						665	FIRST DIV
COMM ECON-BANKG	200	66	40	33	21	31				125	

जाचकता के हस्ताक्षर
दिनांक
नोट—जाचक सुचना वीरे दीदत है।

प्रधानार्थ
के हस्ताक्षर

मुहर

Principal
Maharaja Agrasen Vidyalaya,
Moti Nagar, Lucknow.

Marks attested

R.P. Waish

1.11.89

(प्रेम विद्यालय के लिए)

ज्येष्ठ भूषण चौहानी,

मूल्यांकन करने वाले प्रभाग

दायरा नियोजन संस्थान

उत्तर प्रदेश, काशीनगर

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 :-

अनुक्रमजुक परीक्षार्थी का नाम वर्ग क्रमांक

0156701 PRAKHLAKAR VARDHAN CHAUDHARY C1 0013746

विद्यालय/केन्द्र का नाम परीक्षा प्रवर्ग संस्था/व्यक्ति

MAHARAJA JIGRASEIN INTER COLLEGE LUCKNOW FULL EXAM REG.

विषय	अधिकतम अंक	नम अंक	प्रश्नपत्रानुसार प्राप्तांक	योग	प्र	माध्यमिक शिक्षा परिषद् द्वारा
GENERAL HINDI	100	33	1-018 2-015 3-024	57	304/500	
ENGLISH	100	33	1-020 2-029	57	488/500	
BK & ACCOUNTANCY	100	33	1-039 2-035	74	1ST	
BOK&KT REPORTS	100	33	1-030 2-026	56		
MATH&ELE STATS	100	33	1-024 2-030	60		

जांचकर्ता के हस्ताक्षर
दिनांक ८.११.
नाट-आवश्यक भूक्ता रीछ भावत है।

प्रधानाचार्य
के हस्ताक्षर
८.११.८४ द्वारा दिया गया।
मुहर ८.११.८४

Marks attested
PRAKHLAKAR
1.11.84

(व्रेष्ट दिल्ली एवं दैस्य)
ज्येष्ठ शूर एवं अधिकारी
मूल्यांकन एवं नियन्त्रण प्रभाग
राज्य नियोग भविभाव
उत्तर प्रदेश, लखनऊ

Prakhlakar Vardhan Chaudhary

LUCKNOW UNIVERSITY

1437



Enrolment No.
Roll No.
LUCKNOW
Date. 14. 2. 1986.

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

Name..... *Balakaran Varshu Chaudhary*...../s/o d/o.....

Papers	Group I		Group II		Group III		Group IV		Group V			
	I.	Mercantile Law	II.	Secretarial Practice and Company Law	I.	Statistical Methods	II.	Public Finance	I.	Advanced Accounting and Auditing	II.	Advanced Banking
	Max. Marks	100	100	Total	200	I.	100	100	Total	100	100	Total
Min. Marks				66				66			66	
Marks Obtained	39	42	81	80	61	141	64	51	115			
Group VI	Group VII		Group VIII		Group IX		Group X		Group XI		Group XII	
I.	Currency Credit and Exchange		II. Economics History of India		III. Marketing Practice and Finance		IV. Trade of India		V. Aggregate B. Com. (Final) (excluding General English)		VI. Aggregate obtained in B. Com. (Previous)	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
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I.	II.		III.		IV.		V.		VI.		VII.	
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I.	II.		III.		IV.		V.		VI.		VII.	
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I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	
I.	II.		III.		IV.		V.		VI.		VII.	