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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

C.A.No.585/90

Dt. of order: 27.10.1994

Jagdish Singh & 6 others : Applicants

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).


Applicants Jagdish Singh, Ram Saran Natani, S.S.Chouhan, Brij Lal Grouh, M.A.Khan, Thakur Singh Fabira and E.K.Bashin, have in this application under Sec.19 of the Administrative Tribunals Act, 1985, prayed for a declaration that the impugned orders Annx.A1 and Annx.A2 dated 29.9.90 and 11.10.90 respectively passed by the respondent No.2 ordering cancellation of the written test held on 9.8.86 for the post of Chief Clerk are illegal as also for a direction to the respondents to hold a viva voce test for the candidates declared successful therein and to appoint the candidates finally selected to the post of Chief Clerk with all consequential benefits.

2. We have heard the learned counsel for the parties and have carefully gone through the records of the case.

3. Pursuant to a notification dated 3.6.86 in regard to selection for the post of Chief Clerk notifying 10 vacancies, the applicants alongwith other eligible persons appeared in the test on 9.8.86. The result of the written test was notified vide Annx.A5 dated 19.3.87. Orders were issued on 15.4.87 for holding viva voce test. However, the written test was cancelled by an order passed by the respondent No.2 vide Annx.A6 dated 1.5.1987. The cancellation of the written test has been challenged by the applicants as being violative of the principles of natural justice as well as on the ground that it was done due to extraneous reasons.

4. On the contrary the respondents have stated that a number of complaints were received by the Administration against the written test held on 9.8.86 and one of the grounds for cancellation of the test was that the question paper was not set in accordance with the syllabus Annx.A4, in as much as 5 questions from each section were not put and instead of 20 questions, only 7 questions in all were put in the question paper. Even in these 7 questions, the subjects pertaining to a few sections were not there, as a result of which the employees working in those sections ^{have been} adversely affected. In these circumstances, the respondents have to cancel the result of the written test declared on 19.3.87. A noteworthy feature of the case is that previously an application was filed under Sec.19 of the Administrative Tribunals Act, challenging the impugned order dated 1.5.87 cancelling the written test for selection for promotion to the post of Chief Clerk held on 9.8.86 and 29.9.86. Pursuant to the directions of the Jodhpur Bench of the Tribunal in that O.A. No.186/87 decided on 22.1.90, the respondents issued show cause notices to the applicants and others who had qualified the written examination and afforded them an opportunity of being heard. In view of this fact, it cannot be said that the impugned order is in any way violative of the provisions contained in Article 14 of the Constitution. The respondents were well within their ~~power~~ rights to cancel the written test when it was found that it had not been conducted as per rules and instructions.

5. We find no merits in this application and it is, therefore, dismissed with no order as to costs.


(O.P. Sharma)
Member (A).


(Gopal Krishna)
Member (J).