

C. A. T. Bench, JAIPUR

Date of Order	Orders
	<p>10/2/94</p> <p>CAS HEARING <i>adjourned</i> PUTUP HEARING ON... 199...</p> <p>22/4/94</p> <p><i>B.O.</i> COURT MASTER <i>Office</i></p>
<p>22.5.93</p>	<p><i>Mr. D. K. Kishore - Counsel for the applicant -</i> <i>Mr. H. Bhambhani - Counsel for the respondents -</i></p> <p><i>The OA has been disposed of</i> <i>by a separate order which has</i> <i>been pronounced in the open Court.</i></p> <p><i>(B. B. Mahajan)</i> Member (Adm.)</p> <p><i>(D. L. Mehta)</i> Vice-Chairman</p>

J A I P U R.

G.A. No. 849/92

Date of decision: 22.4.94

SUNIL KUMAR

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member


PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER:

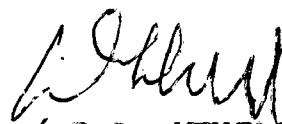
Sunil Kumar has filed this application U/S 19 of the A.T. Act, 1985 praying for quashing of the order dated 22.6.90(Annexure A-1) by which appointments were made to the four posts of Junior Clerks from Scouts and Guides quota for the year 1989-90. The applicant had also submitted his application for the post. He had, however, not been selected and instead respondents Nos. 6 to 9 had been given appointments.

2. We have heard the learned counsel for the parties. The respondents have stated that the applicant was also considered but respondents no. 6 to 9 were found to be more meritorious and had, therefore, been appointed. A perusal of the impugned order dated 22.6.90(Annexure A-1) shows that all the candidates who had been appointed were either Graduates or Post-graduates. The applicant has stated that the minimum educational qualification prescribed for the recruitment to Class III posts was S.S.C. or its equivalent examination vide Annexure A-2. He has stated that the Graduates or Post-graduates were not eligible for such appointments. This plea has obviously no force as Matriculate was only the minimum prescribed educational qualification and there was no provision in Annexure A-2 that candidates possessing higher qualifications will not be considered. A plea

has also been taken that Additional GM was not competent to issue the sanction. The respondents have stated that as per order dated 30.8.38(Annexure R-1), the Additional G.M. had been given the powers for approval to appointments in such cases. The learned counsel for the applicant has pointed out that as per para 3.12 of this order, Additional GM was competent to accord approval only to appointments on compassionate, sports and cultural quota which require GM's sanction and the appointments out of quota reserved for Scouts and Guides were not included therein. However, this is only a technical irregularity and does not go to the root of the matter and the appointments of respondents nos. 6 to 9 cannot be quashed on this ground.

3. There is, thus, no force in the O.A. and the same is dismissed, with no order as to costs.


(E.B. MAHAJAN)
Administrative Member


(D.L. MEHTA)
Vice-Chairman