

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.881/94

dt. September 19, 97

Between

1. K. Solomon
2. J. Uma Maheswara Rao

: Applicants

and

1. Govt. of India, rep. by
its Regional Director (SR)
Staff Selection Commission
EVK Sampath Buildings
2nd Floor, College Road
Madras

2. Collector of Customs and Central
Excise, Central Excise Bldg.
Basheer Bagh
Hyderabad

: Respondents

Counsel for the applicants

: Adikesavalu
Advocate

Counsel for the respondents

: V. Rajeswara Rao
OSSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)



determined on the basis of their discharge when once they permitted them to appear for the Competitive Examination. For this contention the decision of the Mumbai Bench is a clear answer. The respondents have extracted in page 3 of their counter the observations of the Bench which reads as under :

"The concessions under the explanations related to the age limit prescribed under para-4. No concessions have been indicated in regard to educational qualification. Permission for sitting in the Written examination is normally given without detailed scrutiny of the qualification of the intending candidates and even interview letters were issued only provisionally leaving the candidates to satisfy themselves before coming to the interview that they had all the required qualifications. Therefore, the onus of satisfying the respondents that the applicants had the required qualifications for appearing at the examination was squarely on the applicants themselves."

10. Sri V. Prasada Rao submitted on behalf of the applicants that having permitted them to take the examination, verified the certificates and interviewed them at personality test and finally having declared their results, the respondents are estopped from resiling back on the action already taken. He further submitted that the stipulation in para 10 of the notice relates to the educational qualification from a recognised University or its equivalent and not applicable to the applicants since they were basing on their claim only on completion of 15 years service in the Air Force and even though they had not completed the specified period of 15 years they had been duly considered eligible to appear for the examination. Sri Prasada Rao forcefully urged that this submission must be taken note of.

(b) to declare that the applicants are fully qualified and eligible for appointment to the Posts of Inspectors of Central Excise on the basis of the correctness of all the certificates furnished by them and on the basis of the results published and allotted them to the Collector-Central Excise, Hyderabad, in the A.P. Zone; and

(c) to direct the respondents to appoint the applicants as Inspectors of Central Excise accordingly forthwith."

6. The respondents have filed their counter. Their main contention is that the applicants had not completed 15 years of service in the Armed Forces as on the ~~last date~~ ^{10.10.1992} prescribed for receipt of applications for the said examination, that is, as on 1-8-1992. Hence, both were not educationally qualified for the posts. The respondents further relied on the observations made by the Mumbai Bench of this Tribunal in OA.1088/92 and also on the decision of the Hon'ble Supreme Court of India in Civil Appeal Nos.5333, 5354, and 5355 of 1996 decided on 2-4-1996.

7. The point for consideration is whether the applicants were Ex-Servicemen having put in 15 years of service as on 1-8-1992 and thus were educationally qualified for the posts?

8. Both the applicants have produced Certificates of Discharge issued by the Air Force. They are at Annexure-V and XIII to the OA. According to the said Service discharge certificates Applicant-1 and 2 completed 15 years of service on 18-8-1993 and on 25-8-1993 respectively. Hence, the applicants had not completed 15 years of service as on 1-8-1992 and were therefore not qualified.

9. The learned counsel for the applicants further submitted that the respondents are estopped from disputing their service in the Air Force and their educational qualifications

13. In that view of the matter the applicants were not educationally qualified as on 1-8-1992, the last date prescribed for the examination. Therefore the impugned letter dated 28-3-1994 is in order and according to the law. It does not call for interference.

14. For the reasons stated above, the applicants are not entitled to any of the reliefs claimed in the OA. Their OA is devoid of merits.

15. Accordingly, the OA is dismissed but without order as to costs.

29/9/97
 Sune Dev Qally
 COURT OFFICER
 Central Administrative Tribunal
 Hyderabad Bench
 29/9/97
 30/9/97

कास नं. 881 (प.)
CASE NO. 881 (प.)
जिम्मेदार का नाम
Date of Judgement..... 19/9/97
प्रति रुपयार किया गया जिम्मा
Copy Made Ready on..... 30/9/97
अधिकारी का नाम (प्रति रुपया)
Section Officer (P)