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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1027/97

DATE OF ORDER : 22-01-1998.

Between :-

T.Dinesh Chandra

... Applicant

And

1. The Director General, Telecom
(rep. Union of India),
New Delhi - 110 001.
2. The Chief General Manager,
Telecommunications, AP,
Hyderabad-1.
3. The General Manager,
Telecom District, Suryalok
Complex, Gunfoundry,
Hyderabad-1.

... Respondents

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Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri N.R.Devaraj,Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri C.Suryanarayana, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant passed the JAO Part-I examination and was admitted to JAO Part-II examination held in June, 1996. In the JAO Part-II~~X~~ examination there are three subjects. The Subject No.1 consists of papers VII and VIII. Subject No.2 consists of papers IX and X and subject No.3 consists of paper-XI. The applicant is a Scheduled caste candidate. He submits that he has qualified in Subject No.1 and 2 and got more than 25% of ^{in Subject No.3} marks and hence he should be deemed to have been passed in JAO part-II examination in view of para (b) of circular of Government of India, Department of Telecommunications No.9-11/95-DE dt.31-1-95.

3. Applicant submitted a representation for declaring ^{him} as having passed JAO Part-II examination. That representation was rejected by the impugned letter No.10-5/96-DE Dt.28-11-96 and letter No.SP.119/13/96/59 dt.17-2-97 (Annexure-6 to the OA).

4. This O.A. is filed for setting aside the impugned orders ~~on~~ at Annexure-4 and 6 dt.28-11-96 and 17-2-97 respectively and for a consequential direction to the respondents to declare him as ^{JAO-} qualified in part-II examination held in June, 1996 and entitled to appointment as JAO on regular basis according to his seniority with all consequential benefits.

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5. The relevant portion in regard to treatment of the applicant as having been passed the part-II examination is given in para-(b) of the Circular dt.31-1-95 (as the applicant belongs to SC category) which reads as under :-

All SC/STs candidates who have qualified atleast in two subjects of JAOs part-II examination and three subjects of JAOs part-I examination and secured not less than 25% marks in the 3rd or the fourth subject, as the case may be, in the aggregate (without insisting upon a pass in practical) may be declared as qualified by allowing the requisite grace marks.

6. As per this para he should have passed atleast two subjects of JAO Part-II examination and secured not less than 25% marks in the 3rd or 4th subject as the case may be in the aggregate (without insisting upon a pass in practical) for declaring as passed allowing the requisite grace marks. The minimum requisite pass marks for SC candidates has been given by the respondents, which reads as follows :-

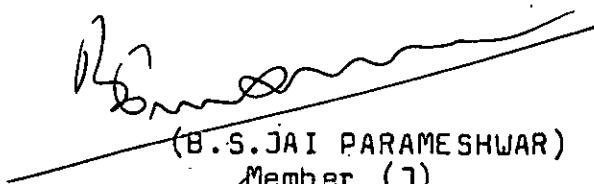
- a. 40% in each subject for OC candidates and 38% in case of SC/ST candidates.
- b. 45% in aggregate for OC candidates and 38% in case of SC/ST candidates.
- c. 40% separately in the practical paper for OC candidates and 33% for SC/ST candidates.

As per the above minimum marks to be obtained by an SC Candidate is 33% in each subject. The applicant failed in paper-~~1~~ and in subject-2 as he had obtained only 13 marks out of 100, which is less than 25%. Hence even the application of letter No.22-5/91-NCG dt.30-11-92 is not relevant to this issue as he had obtained less than 25% of marks. The applicant's name does not find a place in the part-II examination held on 18th, 19th & 20th

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of June, 1996 as can be seen in letter No.10-5/96-DE dt.29-10-96 (Annexure A-2 to the OA). In view of what is stated above, the applicant has not fulfilled the rule extracted above for passing JAO Part-II examination. Hence the applicant cannot pray for a declaration that he may be treated as passed in the examination. In that view the impugned letter dt.28-11-96 and 17-2-1997 are issued after careful scrutiny of records and marks obtained in the examination. In view of what is stated above, we find no merits in this O.A. Hence the O.A. is dismissed. No order as to costs.

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(B.S. JAI PARAMESHWAR)

22.1.98

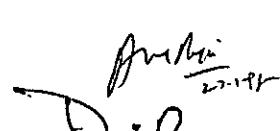
Member (J)


(R. RANGARAJAN)

Member (A)

Dated: 22nd January, 1998.
Dictated in Open Court.

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D.R.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(B)

DATED: 22/1/98

ORDER/JUDGMENT

Mat. / R. / C. / C. NO.

in

O.A. NO. 1027/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

