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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.461/94

Date of order: 26.7.1995

Dilip Singh : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.R.N.Mathur : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents.

CORAM:

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

Hon'ble Mr.Patan Prakash, Member(Judl)

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.)

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri Dilip Singh has prayed that the respondents may be directed to include the name of the applicant amongst successful candidates for promotion on the post of Assistant Accounts Officer(Gr.II) and the respondents may be directed to prepare a merit list of the candidates without taking into consideration the marks obtained/alloted in the viva voce.

2. The applicant's case is that the respondents issued a notification dated 21.4.93 (Annx.A1) for holding a selection test i.e. a limited departmental competitive examination for promotion on the post of Asstt.Accounts Officer Group-B. The applicant appeared in the written test, the result whereof was declared by respondent No.2, the Financial Advisor and Chief Accounts Officer, W.Ply, Bombay on 29.3.94 (Annx.A2). The applicant's name figures at Sl.No.14 therein. As per the notification Annx.A1, there was 16 vacancies for which the examination was conducted and all the 18 persons qualified in the examination. While declaring the result dated 29.3.94 (Annx.A2), the respondents asked the successful candidates to appear in the viva voce, date for which was declared subsequently. The applicant also appeared in the viva voce.

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However, his name does not figure amongst the successful candidates. The applicant's impression was that viva voce was only a formality and marks thereof were not to be included for preparation of the merit list. The applicant has been declared as unsuccessful on the ground that he did not qualify in the viva voce test. As per the scheme of examination, Annx.A1, there are only two stages of examination, both of which are written and there is no provision for viva voce and no marks for interview have been indicated. The viva voce conducted was contrary to the notification Annx.A1. Therefore, exclusion of the applicant's name from the panel of successful candidates is unjustified.

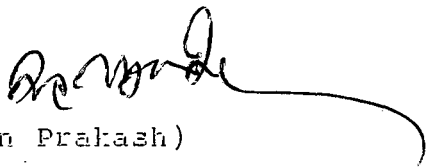
3. The respondents in their reply have stated that the applicant had qualified in the written examination as well as viva voce but since there were only 16 posts and the number of persons who qualified were 18, a panel of only 16 eligible candidates was declared by the respondents in accordance with their merit, and the applicant could not figure in the list of successful candidates for the reason that he was low in merit.

4. On 13.2.1995, the respondents were directed to produce the record relating to the examination in pursuance of an M.A. filed by the applicant. The records were produced and have been perused by us as well as by the learned counsel for the applicant. The records show that the applicant had passed both the written test and the viva voce. However, he did not secure high enough marks in the aggregate to be able to figure amongst the first 16 candidates as the number of vacancies was only 16.

5. The learned counsel for the applicant stated during the arguments that there was in fact no provision for viva voce in the scheme of examination and no marks had been indicated for the viva voce. In any case, the result of the written examination was declared on 29.3.1994 and the viva voce was

held as seen from the records produced before us on 11th and 12th July 1994. The applicant had sufficient notice for preparing for the viva voce and he also passed the viva voce. It is only because of the relative merit of various candidates who appeared in the examination that the applicant could not be included in the first 16 candidates.

6. In the circumstances, we find no merit in this application and it is dismissed with no order as to costs.



(Patan Prakash)

Member(Judl)



(O.P.Sharma)

Member(Adm.).