

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 298/2003

DATE OF ORDER: 21.9.2003

Harish Chandra Singh son of Shri Devi Ram Singh aged about 38 yrs.
Resident of Gautam Balika Vidhyalaya, Navalgarh Distt. Jhunjhunu
(Rajasthan).

... Applicant.

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Human Resource Development Department, New Delhi.

2. Commissioner, Kendriya Vidhyalaya Sangathan, 18 Institutional Area, Shaheed Jyoti Singh Marg, New Delhi.

3. Controller (Exams), Kendriya Vidhyalaya Sangathan, 18, Institutional Area, Shaheed Jyoti Singh Marg, New Delhi.

... Respondents

Mr. Hemant Gupta, Counsel for the applicant.

Mr. V.S. Gurjar, Counsel for the respondents.

CORAM:

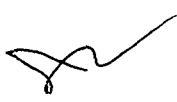
Hon'ble Mr. S.K. Agarwal, Member (Administrative)

Hon'ble Mr. M.L. Chouhan, Member (Judicial)

ORDER (ORAL)

This application has been filed by the applicant seeking relief that the respondents be directed to call the applicant for interview treating him as a General Candidate and declare him successful.

2. The facts of the case are that the advertisement dated 25.3.2003 wherein the applicant had applied for the post of PGT (Chemistry) as a General Candidate. The applicant passed the first stage of the examination in 1st Class and thereafter he was called for the IIInd stage of the examination by the respondents. The applicant was not found eligible for the purposes of being called for interview. Thereafter, the applicant approached the respondents and enquired into the matter as to why he was not declared successful to which the respondents told that he has been considered under OBC category rather than General Category and the merit of the OBC has gone higher than that of the General Category.



3. The grievance of the applicant is that he had applied for ~~the~~ post of PGT (Chemistry) pursuant as a General Category but his candidature was considered against the OBC category.

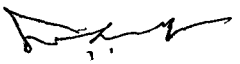
4. Since the interviews were going to be held on 5.7.2003, the applicant was given necessary interim relief vide order dated 3.7.2003 by directing the respondents to allow the applicant for the interview for the post of PGT (Chemistry) to be held on 5.7.2003 against the General category subject to the result ^{kept} kept under sealed cover.

5. The learned counsel for the respondents had mentioned that the applicant did not appear ^{at the} for the interview ~~as per~~ directions given to the respondents by this Court. It is further mentioned in the counter affidavit that the applicant had applied for the post of PGT (Chemistry) under OBC category. The applicant found successful at the first stage of examination held on 23.02.2003 and for the second stage examination which was held on 13.4.2003, the applicant had secured 32 marks whereas the cut-off marks for the General Category was 45, for OBC it was 40 and for SC/ST, it ^{was} 33 marks. Since the applicant had secured marks below for both the categories, he was not found fit.

6. Both the counsel for the respondents and applicant have agreed during proceedings that since the applicant had secured marks below the marks cut-off, he was not entitled for any relief.

7. In view of the above, we do not find any merit in the OA and the same is dismissed with no order as to costs.


(M.L. CHAUDHARY)
MEMBER (J)


(S.K. AGARWAL)
MEMBER (A)