

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 342/03

Jabalpur, this the 24th day of June 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (J)

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

1. Purshottam Purnia, (Purvia)
son of Shri Khuman Singh Purnia.
2. Gyan Singh Purnia, (Purvia)
son of Shri, Salakram Purnia.
3. Sunil Kumar Thakur, son of
Shri Ramesh Kumar Thakur,
All resident of Gram Nakota,
Newary, Sahagpur, M.P.

APPLICANTS

(By Advocate - Shri Greeshm Jain)

VERSUS

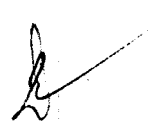
1. Union of India through Secretary
Ministry of Defence, New Delhi.
2. Director General of Ordnance
Services, MGO Branch, Army Headquarter
DHQ. PO New Delhi
3. The Commandant, Central Ordnance
Depot, Ordnance Depot, Jabalpur.
4. Lieutenant Colonel D.R. Singh,
the Chief Administrative Officer
COD Jabalpur, Presently posted as
Deputy Commandant 5 FOD, Gauhati, Assam.
C/o 56 APO.

RESPONDENTS

ORDER (ORAL)

By D.C. Verma, Vice Chairman (J) -

By this Original Application the applicant has prayed for quashing of the select list prepared by the respondents. Further prayer is made that the respondents be directed to publish fresh advertisement after making proper reservation as per rules and then conduct the selection process.



2. The brief facts of the case is that the respondents had published advertisement for the post of Labourers. The applicants and many others applied in pursuance thereto. After facing the selection procedure the applicants were not selected. Alleging some irregularities in the selection procedure the applicants have now filed this original application.

3. The applicants had challenged the selection on the ground that as per advertisement the applications were to be sent by post, whereas the respondents had kept boxes in the Central Ordnance Depot to receive applications. This was, as per the Original Application, with a view to favour the candidates who are related to the Union. Further allegation is that though for 100 posts about 10,000 persons were called for interview, the respondents have selected only 94 candidates and out of this 74 candidates are either from Jabalpur or from Meerut. Further allegation is that out of 100 posts, 50 posts were reserved for OBC and 50 were left for general candidates. No reservation was made for SC/ST candidates.

4. The learned counsel for the applicants has been heard at length. This is not the case of the applicants that they belong to SC/ST category. Still the applicants have come to pursue the case on SC/ST as if this OA is a public interest litigation.


5. The grounds which have been taken by the applicants to challenge the selection were mostly known to the applicants prior to the selection. Consequently challenging the selection after the non-selection of the applicants cannot be entertained.

6. The selection has also been challenged on the ground that no arrangement was made for stay of the candidates, no


transport facility was provided to the out-sider candidates from Railway station or from Bus station up to the Central Ordnance Depot, no arrangement for drinking water was also made and the candidates were required to run in a 8 feet wide road. All these grounds carry no weight to declare the selection invalid. However, all these grounds and similar other grounds taken in the OA were known to the applicants on the date of the selection i.e. 3rd May 2002. Without waiting for the result of the selection, it was for the applicants to challenge the same if they had any real grievances. The present OA after a long time because of non-selection cannot be ^{entertained} ~~under-~~ ⁵ ~~taken~~. This ⁵ ~~one~~ ^{view} find support from the decision of the Hon'ble Apex Court in the case of Chandra Prakash Tiwari and others Vs. Shakuntala Shukla and others reported in (2002) 6 SCC 127, wherein it has been held that when a candidate appears at the examination without protest and is subsequently found to be not successful in the examination, question of entertaining a petition challenging the said examination would not arise.


7. In the case of G.N. Nayak Vs. Goa University and Ors. reported in 2002(2) ATJ 141 (SC), the selection was challenged on the ground that qualification prescribed in the advertisement and hand out issued to the appellant in connection therewith had not been prescribed by the Executive Council nor recommended by the academic council. The Apex Court held that the applicants knew this change in eligibility criteria yet applied for the post and appeared in the interview without protest. After non-selection they cannot be permitted to challenge the eligibility criteria.

8. ⁵ ~~2~~ ^{light of the} The principles laid down in the decisions of the Apex court, we are of the view that the present original application



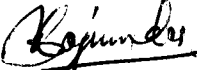
by which the selection process has been challenged after non-selection of the applicant, cannot be entertained. The original application is accordingly dismissed.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (J)

- पृष्ठंकन सं. ओ/व्या..... जलपुर, दि.....
पतिरिक्ति जलपुर
- (1) सवि. उ. न. व्यापक..... जलपुर
 - (2) आ. व. न. ओ/व्यापक..... जलपुर
 - (3) आ. व. न. ओ/व्यापक..... जलपुर
 - (4) "S.M.", के. प्र. अ. जलपुर जलपुर
- सूचना एवं आवश्यक कार्यवाही हेतु

by Tain - Adv


Rajinder

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BS