

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 27th day of July, 2010

Original Application No. 493/2006

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. K.S.SUGATHAN, MEMBER (ADMV.)

Mukesh Kumar Khatik,
s/o Shri Bansi Lal,
r/o 10-I-12, R.C.Vyas Colony,
Bhilwara.

.. Applicant

(BY Advocate: Shri Tanveer Ahmed)

Versus

1. The Union of India
through Chairman, Railway Board,
Ministry of Railway,
Government of India,
New Delhi.
2. Secretary,
Railway Recruitment Board,
Ajmer.

... Respondents

(By Advocate: Shri S.S.Hasan)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- 1) The entire record relating to the present case may kindly be summoned from the non applicants.

- II) The result declared on 2.11.2006 in the daily News paper "Dainik Bhaskar", Bhilwara Edition may kindly be quashed and set-aside and the non applicants may kindly be directed to give appointment to the applicant on the post of ESM Gr.II w.e.f. the date from which the persons similarly situated to him, have been given appointment, with all consequential benefits to him.
- III) Any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper may kindly be granted in favour of the humble applicant."

2. The grievance of the applicant in this case is regarding final result declared on 2.11.2006 (Ann.A/1) whereby Roll Numbers of successful candidates for the post of ESM Gr.II were mentioned and name of the applicant did not find mention in the result so declared. The applicant has prayed that the impugned result declared on 2.11.2006 (Ann.A/1) be quashed and the respondents may be directed to give appointment to the applicant on the post of ESM Gr.II with effect from the date from which person similarly situated have been given appointment with all consequential benefits.

3. Briefly stated, facts of the case are that an advertisement was issued by the Railway Recruitment Board, Ajmer for appointment to the post of ESM Gr.II vide Employment Notice No.2/05. Pursuant to such advertisement, the applicant, who belongs to Scheduled Caste (SC) category, applied for the said post. Alongwith the application format, the applicant has also annexed Caste Certificate dated 23.7.1990 (Ann.A/3). Thereafter the applicant was allotted Roll No.22701736 and was called for appearing in the written examination. Result of the written examination was declared on 11.9.2006 and name of the applicant was shown in the General category in which total 43 candidates

qualified and in SC category 4 candidates qualified the said examination. Subsequently, the applicant was called for interview but he could not be selected. The main grievance of the applicant is that his case ought to have been considered against the SC category and not against the General category.

4. Notice of this application was given to the respondents. The facts, as stated above, have not been disputed by the respondents. It is, however, stated that after scrutiny of the application, it was found that the application submitted by the applicant did not fulfill the required information as the Caste Certificate did not reflect sub-caste which is a criteria by which it can be determined whether the candidate belongs to SC/ST community or not. It is further stated that the applicant's Caste Certificate for SC community was defective and was not in the prescribed format as given in para 9.3 of the Employment Notification dated 3.12.2005. It is further stated that in the Caste Certificate so produced by the applicant he has been shown as father of Shri Banshilal instead of Mukesh Kumar Khatik son of Shri Banshi Lal. Therefore, the applicant was considered against the unreserved category and was also called for verification of original documents. Thus, according to the respondents, since the applicant has not obtained requisite merit, as such, he could not find place in the panel as per his merit position.

5. We have heard the learned counsel for the parties and gone through the material placed on record. We are of the view that the applicant has not made out a case for grant of relief. As can be

seen from para 6.3 of the General Instruction, which is part of Employment Notice No.2/05, it is stipulated that Caste Certificate from the competent authority for SC/ST and OBC candidates in the prescribed format has to be produced. Format of Caste Certificate for SC/ST category find mention in para 9.3 of the instructions, which is in the following terms:-

"This is to certify that Shri/Smt./ Kumari.....son/daughter of Shri..... Village/Town..... is residing in Dist./Div..... of the State/Union Territory..... belongs to the community..... which belong to the Scheduled Caste/Scheduled Tribe."

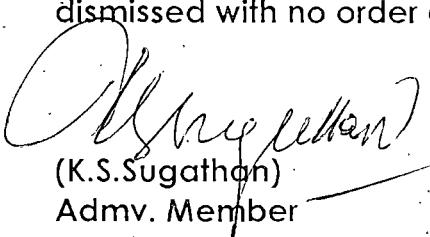
6. Admittedly, the Caste Certificate (Ann.A/3) as submitted by the applicant was not in the prescribed format. Further, the applicant has been shown father of Shri Banshi Lal instead of Mukesh Kumar Khatik s/o Shri Banshi Lal. Further, in the so called Caste Certificate, sub-caste of the applicant has not been mentioned, as such, we see no infirmity in the action of the respondents whereby case of the applicant against SC category was rejected.

7. That apart, case of the applicant was considered by the respondents against General category but the applicant could not be offered appointment being lower in merit. Therefore, we find no infirmity in the action of the respondents.

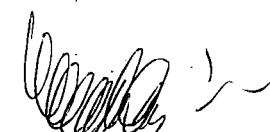
8. Further, the applicant cannot be granted relief on another ground. The selection relates to the year 2006. The panel so prepared by the department stood already exhausted. Even on this

ground, no relief can be granted to the applicant based upon the exhausted panel prepared in the year 2006.

9. Viewing the matter from any angle, we find that the applicant has not made out any case for grant of relief. Accordingly, the OA is dismissed with no order as to costs.



(K.S. Sugathan)
Admv. Member



(M.L. CHAUHAN)
Judl. Member

R/