

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 25th August, 2008

ORIGINATION APPLICATION NO. 126/2008
With
MISC. APPLICATION NO. 196/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Kumari Arti Agarwal Daughter of Shri Kailash Nath Agarwal, aged about 25 years, 1-B-6, Housing Board, STC Colony, Bharatpur (Rajasthan).

.....APPLICANT

(By Advocate: Mr.R.D. Rastogi)

VERSUS

1. Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi through its Secretary.

.....RESPONDENTS

(By Advocate: Mr. Y.K. Sharma Proxy counsel to Mr. Sanjay Pareek)

ORDER (ORAL)

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

- "(i) By issue of appropriate order or direction the letter dated 26.2.2008 issued by respondent may kindly be quashed and set aside, whereby the original disability certificate submitted by applicant has been returned back.
- (ii) By issue of appropriate order or direction it may kindly be directed that the applicant may be declared as eligible for interviews in the Indian Civil Services

Examination, 2007 under physically handicapped category on the basis of the certificate submitted by her.

- (iii) By issue of appropriate order or direction, if during the pendency of this OA, any order is issued against the applicant prejudicial to her rights, the same may kindly be taken note of and also be quashed and set aside and if interviews are held, the rights of applicant may be protected.
- (iv) Any other relief, which this Hon'ble Court may deem fit, just and proper in the circumstances of the case, the same may kindly be granted in favour of the Petitioner."

2. Briefly stated, the grievance of the applicant in this case is that vide letter dated 26.02.2008 (Annexure A/1), Dis-ability certificate submitted by the applicant has been returned back and she has not been considered under the category of physically handicapped in the Indian Civil Services (main) examination 2007 and she is not being called for interview. When the matter was listed on 21.04.2008, this Tribunal while issuing notice to the respondents directed them to permit the applicant to appear in the interview of Civil Services Examination provisionally.

3. Notice of this application was given to the respondents. The respondents have categorically stated that the applicant was not debarred to appear in the written examination in the Civil Service Examination as well as in the interview on the ground that she does not belong to physically handicapped category. It is stated that Dis-ability Certificate submitted by the applicant along with Application Form was not in the prescribed format and was found to be deficient in providing complete details. In these circumstances, the applicant was asked to submit revised disability certificate which the applicant submitted on 16.02.2008 and after verification, it was found to be proper and the same was accepted, as such the same was returned to the applicant by the Commission on 26.02.2008 well before the declaration of the result of the Civil Services (Main) Examination,

2007. The respondents have further stated that though the applicant appeared in the Civil Services (Main) Examination, 2007 but could not qualify the same. Only candidates who qualify in the Civil Services Main (Written) Examination are called to appear in the Interview. Since the applicant failed to clear the Civil Services (Main) Examination, 2007, she failed to become eligible to be called for the interview.

4. Pursuant to the direction given by this Tribunal, the respondents have produced the result of the applicant, which was kept in sealed cover. We have opened the sealed cover. The following finding has been recorded in the sealed cover:-

"The candidate was provisionally interviewed strictly in compliance of the Hon'ble Court's direction.

2. Without taking into consideration the marks secured by the applicant in Compulsory Qualifying papers, viz. English and Indian Language papers, which are of qualifying nature and not counted for ranking, the total marks secured by the candidate in the relevant subjects, viz. Essay, General Studies and the Optional Papers chosen by her, are as under:-

Name	Kum. Arti Agarwal
Roll No.	45307
Category	PH3 (Hearing Impaired)
Written Marks	499 out of 2000
PT Marks	105 out of 300
Final Marks	604 out of 2300

5. Since the applicant failed to qualify the written examination, as such her appearance in the interview could hardly change the position. As such, no relief can be granted to the applicant.

6. With these observations, the OA is dismissed of with no order as to costs.

7. Since the OA is dismissed, no order is required to be passed in MA No. 196/2008 filed by the applicant for declaration of the result, which is disposed of accordingly.


(B.L. KHATRE)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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