

(27)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 17.07.2012

OA No. 55/2009 (CWP No. 7913/2006)

Mr. C.B. Sharma, counsel for applicant.
Mr. B.K. Pareek, proxy counsel for
Mr. T.P. Sharma, counsel for respondents.

At the request of learned proxy counsel for Mr. T.P. Sharma, counsel for respondents, put up the matter on 31.07.2012 for hearing.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

31/07/2012

OA No. 55/2009 (CWP No. 7913/2006)

Mr. C.B. Sharma, Counsel for applicants.
Mr. T.P. Sharma, Counsel for respondents.

Heard.
T. A. is disposed of by a
separate order on the separate
Sheets for the reasons recorded
therein.

Anil Kumar
[Anil Kumar]
Member (A)

K. S. Rathore
[Justice K.S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 31st day of July, 2012

**Transferred Application No.55/2009
(SB CWP No.7913/2006)**

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

1. Shiv Charan Meena
s/o Shri Ram Bhajan Meena,
r/o 75, Panchsheel Enclave,
J.L.N. Marg, Jaipur
2. Anurag Shivrain
s/o Shri Rampalrain
r/o B-11, Basant vihar,
Jhunjhunu.

.. Applicants

(By Advocate: Shri C.B.Sharma)

Versus

1. Bharat Sanchar Nigam Limited,
through its C.M.D.,
Statesman House,
New Delhi.
2. Chief General Manager,
Telecom, (C.G.M.T.),
Rajasthan Circle,
B.S.N.L.,
Jaipur

.. Respondent

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The Bharat Sanchar Nigam Limited (BSNL) issued a notification in the Employment News dated 17-23 September, 2005 for recruitment of Graduate Engineer Junior Telecom Officers notifying 3000 posts. Clause 3 (b) of the said notification was relating to educational qualification mentioning that the candidate must possess educational qualification of Bachelor of Engineering/Bachelor of Technology degree from a recognized Engineering College/University in the field of Telecom Communication Engineering, Electronics Engineering, Radio Engineering, Computer Engineering or Electrical Engineering. It was also notified that the candidates must possess the said educational qualification as on 3rd October, 2005.

2. Further, the BSNL issued a corrigendum in Employment News dated 29th Oct.- 4th November, 2005 notifying that the written examination was to be held on 22.1.2006 and last date of receipt of application was extended to 7.11.2005.

3. Pursuant to the said notification the applicants applied and declared pass and they were also informed to appear in the office of Chief General Manager, Telecom, Rajasthan on the stipulated dates for showing their documents relating to educational qualification, age, caste etc. Both the applicants appeared before

A handwritten signature in black ink, appearing to read 'RJ'.

respondent No.2 on the stipulated dates and submitted their documents relating to age, educational qualification, caste etc.

4. The only controversy in this OA is with regard to eligibility of educational qualification. As the applicants did not possess the educational qualification as on 3.10.2005 i.e. the cut off date for deciding the eligibility criteria in respect of educational qualification, therefore, they were not given appointment. The main challenge to the action of the respondents is on the ground that since the respondents have extended the date of submitting the application forms up to 7.11.2005 and by that time the applicants acquired the educational qualification, therefore, the date with regard to educational qualification as per para 3 (b) of the earlier notification Ann.A/1, stands automatically extended from 3.10.2005 to 7.11.2005.

5. It is also contended on behalf of the applicants that as per the marksheets issued by the University of Rajasthan, result of the examination so far as applicant Shri Anurag Shivrain is concerned, it was declared on 18.10.2005 i.e. before 7.11.2005 and therefore, he is eligible for consideration and appointment on the post whereas in the case of applicant Shiv Charan Meena, the result was declared on 11.10.2005.

6. On the contrary, the learned counsel appearing for the respondents submitted that the date extended vide Ann.A/4 is with



regard to receipt of application only and by this notification eligibility criteria has not been changed. It is further stated that the respondents sought clarification from Rajasthan University regarding declaration of result and vide Ann.R/6 the University informed that result of applicant No.1 Shiv Charan Meena was declared on 21.11.2005 and result of applicant Shri Anurag Shivrain was declared on 27.5.2006 and as per eligibility criteria as on 3.10.2005 none of the applicant was in possession of requisite educational qualification. Therefore, their candidature has rightly been not considered for appointment after verifying the educational qualification of the applicants.

7. Even if considering the extension of date for filing the application forms, on the face of letter dated 31.8.2006 (Ann.R/6) the date of declaration of result in respect of applicant Shri Shiv Charan Meena is 21.11.2005, which is admittedly, after the last date i.e. 7.11.2005 and in respect of applicant Shri Anurag Shivrain the same is 27.5.2006, which is much after 7.11.2005.

8. Thus, having considered the rival submissions of the respective parties and upon perusal of the relevant documents, as has been submitted by the respective parties, and upon careful perusal of the eligibility criteria, it is evident that the applicants were not in possession of the requisite educational qualification as on 3.10.2005 and if the matter is seen on the face of letter Ann.A/6, the applicants possessed the qualification on 21.11.2005 and 27.5.2006



respectively. Thus, in view of above, it is established that at the relevant point of time the applicants did not possess the requisite qualification and the corrigendum was issued only for receipt of application forms by extending some more time, which does not automatically extend the eligibility criteria prescribed vide notification Ann.A/1.

9. The learned counsel appearing for the applicants in support of his submissions relied upon the judgment in the case of Bhupinderpal Singh and Ors. vs. State of Punjab and Ors, reported in 2000 SCC (L&S) 639. We have carefully perused the judgment relied by the applicants. The case in Bhupinderpal Singh (supra) is with regard to the age limit prescribed and it is not with regard to the educational qualification. Thus, the ratio decided by the Hon'ble Supreme Court in the aforesaid case is not applicable to the present case.

10. Consequently, we find no merit in this OA and the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K. S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/