

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th August, 2009

ORIGINAL APPLICATION NO. 215/2009

CORAM:

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

Jitendra Singh aged about 25 years, son of Shri Gopal Singh, resident of AI/17 ESI Model Hospital Campus, Ajmer Road, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.K. Sharma)

VERSUS

1. Union of India through the Secretary, Labour Department, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. The Employees State Insurance Corporation through the Director General, Panchdeep Bhawan, Kotla Road, New Delhi.
3. The Medical Superintendent, ESI Model Hospital, Ajmer Road, Sadala, Jaipur.

.....RESPONDENTS

(By Advocate : Mr. Rajendra Prasad Sharma)

ORDER (ORAL)

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

- "(i) All the records of OT Assistant Examination held on 8.3.2009 be called for from the respondents.
- (ii) Declare that the applicant is passed in the examination and is eligible for interview whenever they are held.
- (iii) Direct the respondents to call the applicant for interview for the post of OT Assistant.
- (iv) Any other relief which this Hon'ble Tribunal thinks just and proper in view of the above facts and circumstances of the case."

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2. Briefly stated, facts of the case are that the respondents issued a notification/advertisement for various posts to be filled in Group 'C' and Group 'D' category. One of the posts which was to be filled in was that of OT Assistant. The necessary qualification for the said post was Matriculation and ~~post~~ equivalent with one year experience as OT Assistant. The applicant also applied for the said post and he was called for the written examination. However, subsequently he was not called for interview because according to the respondents he was not even eligible to appear in the said examination. However, this Tribunal vide order dated 26.05.2009 permitted the applicant provisionally to appear in the interview subject to the condition of eligibility.

3. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have categorically stated that applicant was not eligible for the post of OT Assistant and his application for OT Assistant was misconceived since he was lacking the eligibility. It is further stated that due to bonafide error, he was allowed to participate in the examination which he could not qualify since the applicant secured only 12 marks out of 100 whereas for the candidate belonging to SC, 35 marks were essential to qualify the interview. Thus according to the respondents, the applicant is not entitled for any relief.

4. We have heard the learned counsel for the parties. We have also perused the material placed on record and also the educational qualification necessary for the post of OT Assistant. As can be seen from the eligibility criteria, one of the conditions for the post of OT Assistant was that applicant should have one year's experience of the post ~~equivalent~~ to OT Assistant. As can be seen from Certificate dated 22.09.2008 (Annexure A/3), it is evident that applicant has gained experience only as Assistant in Plaster Room in Technical Helper since 11.07.2007. Thus according to us, the applicant was not eligible to be considered for the post of OT Assistant. That part, even the applicant has not qualified the selection test.

5. In view of what has been stated above, we are of the view that no relief can be granted to the applicant. Accordingly, the OA is dismissed with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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