

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 3rd day of March, 2011

ORIGINAL APPLICATION No.76/2011

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Sunil Kumar
S/o Shri Panna Ram,
R/o Village & Post Khudibadi,
Tehsil Laxman Garh,
Distt. Sikar (Rajasthan).

... Applicant

(By Advocate : Shri Ankur Rastogi)

Versus

1. Chief Post Master General,
M.I.Road,
Jaipur.
2. Supdt. of Post Offices,
Sikar Circle,
Sikar.
3. Shri Arjun Lal s/o Shri Madan Lal,
Aged about 26 years,
Near Vikram School, Salasar Road,
Post Sikar.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

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

- "i) By an appropriate order or direction the Hon'ble Tribunal may be pleased to direct the non-applicants to consider the case of the applicant in view of settled preposition of law and as such the appointment may be given accordingly.

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- ii) By an appropriate order or direction the appointment order issued in favour of non-applicant No.3 be quashed and set aside.
- iii) By further appropriate order or direction the Hon'ble Tribunal may be pleased to direct the non-applicants to consider the case of the applicant in light of the representation submitted as per direction of this Hon'ble Tribunal."

2. Briefly stated, facts of the case are that the respondents had issued an advertisement dated 29.3.2010 (Ann.R/6) for filling up the post of Rural Branch Dakpal, Rulyani, to be filled-in from the candidates belonging to Scheduled Castes. As can be seen from the said advertisement, one of the conditions stipulated at item No.08 was that incomplete application forms shall not be entertained. Further, the condition at item No.11 stipulates that the candidates have to annex attested photo-stat copies of the various documents alongwith the application form including the caste certificate. Pursuant to the aforesaid advertisement, the applicant submitted his application on 21.4.2010, which has been placed on record as Ann.R/1. Perusal of ^{Item No 6} ~~para~~ 5 of this application makes it clear that the applicant did not annex attested copy of the caste certificate alongwith it, which was a necessary condition. However, the applicant had annexed copies of various documents as were required against item Nos.9,10,11 & 12 and the applicant has specifically mentioned this fact against those columns in his application form itself. Since the caste certificate was not annexed with the application form, candidature of the applicant was rejected and in his place respondent No.3 appears to have been given the said appointment.

3. Grievance of the applicant is regarding rejection of his application. It has been averred that such rejection is without following any due process of law and the applicant came to know about this fact only when a legal notice was served upon the respondents by him and he received reply to the said legal notice vide Ann.R/8. It is further pleaded that thereafter he approached the Hon'ble High Court by filing a writ petition

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[No.7728/2010] and the Hon'ble High Court vide its order dated 31.1.2011(Ann.R/9) directed the applicant to approach this Tribunal.

4. On merit, the applicant has pleaded that he has secured equal marks with respondent No.3, who is the selected candidate, and as such the applicant being elder in age should have been given preference while giving appointment qua respondent No.3. It is on the basis of these facts, the applicant has filed this OA thereby praying for the aforesaid relief.

5. We have heard learned counsel for the applicant at admission stage. We are of the view that the applicant has not made out any case for the grant of relief. Admittedly, the applicant did not annex copy of the caste certificate along with the application form, which was a condition precedent for entertaining the application. On the contrary, perusal of items Nos.9,10,11 & 12 reveals that the applicant has specifically mentioned the word "annexed" regarding enclosure of the documents in respect of these items. Further, perusal of the advertisement also reveals the consequences of submitting the defective application forms. Thus, according to us, the applicant has not made out any case for the grant of relief.

6. At this stage, we wish to refer to the decision of the Apex Court in the case of **T.Jayakumar v. A.Gopu & Anr.** [(2008) 9 SCC 403]. That was a case wherein the application form of respondent No.1 was rejected by the department as the same did not bear his signature and the second application form was received by the department after the closing date. Respondent No.1 before the apex court was called for interview but his candidature was rejected on the ground that his application form did not bear his signature and his second application form was received after the closing date. Thus, both the application forms were invalid. Administrative Tribunal as well as High Court interfered with the matter and granted relief to respondent No.1. The matter was carried to the apex court which held that decision of the authority concerned in rejecting

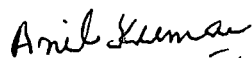
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the candidature of respondent No.1 was neither arbitrary nor unreasonable and the judgement of the Tribunal as well as High Court was set aside. It was further held that a candidate can be excluded from consideration at interview stage also on account of defect in his application.

7. Admittedly, in the present case, the applicant has not been called for interview and his application/candidature was rejected at the outset. Thus, according to us, the applicant has not made out any case for interference by this Tribunal.

8. Even otherwise also, respondent No.3 who has been selected for the aforesaid post, has secured the marks equal to the applicant. As such, it cannot be said that the applicant is a better qualified candidate. That apart, the applicant has not challenged the order of appointment so given to respondent No.3. As such, validity of the appointment order of respondent No.3 cannot be gone into and quashed. Even on this ground the applicant has not made out any case for interference by this Tribunal.

9. Thus, in view of what has been stated above, the present OA is bereft of merit and the same stands dismissed at admission stage itself. No order as to costs.



(ANIL KUMAR)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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