

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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Date: 6.7.2015

OA No.628/2013 with MA No.291/00065/2014

Mr. Padam Singh, Counsel for the applicant.  
Mr. M.K.Meena, Counsel for respondents No.1, 3 & 4.  
None present for respondent No.2.

Heard on the MA No.291/00065/2014 on behalf of respondent No.2 praying for deletion of the name of respondent No.2 from the array of respondents. Ld. Counsel for the applicant has not opposed the same. Accordingly, the MA is allowed. The name of the respondent No.2 is deleted from the array of respondents. Rejoinder is not necessary as stated by the Ld. Counsel for the applicant.

The relief sought for in this OA is that as the applicant is an eligible candidate of OBC category, accordingly he should be given appointment to the post of Gr.D in the Indian Railway with all consequential benefits.

The case of the applicant is that he submitted his OBC certificate with the application form accordingly, the impugned order dated 23.10.2012 of the respondents No.3 to the effect that as the applicant has not submitted his OBC certificate along with his application form, as such his candidature under OBC was not considered, is illegal & arbitrary.

② The respondents state that the applicant has failed to submit the OBC certificate as required vide Notification dated 16.12.2010. During the course of hearing on 6.7.2015, counsel for the respondents stated that as the applicant had failed to submit the OBC certificate, his case was considered under the UR category and as he obtained 76.87% marks which were less than cut off marks of UR category accordingly,

he was not selected for the said post. On going through the notification we found that in the relevant clause under Item 10.5 it is indicated that, *"all candidates (within age limit as laid down for UR candidates) , irrespective of community , will be considered for UR vacancies."*

We have gone through the contents of Notification dated 16.12.2010 marked as Annexure R/1 inviting applications for the post of Gr.D. The relevant item dealing with the OBC candidates is as follows:-

*Under item 8.10 entitled "ENCLOSURES"*

*"8.10(ii) In case of SC/ST/OBC candidates, a certificate of the appropriate authority , of their belonging to SC /ST/OBC categories should be submitted. Draft format for SC/ST is enclosed as Annexure-I, OBC is enclosed as Annexure-II.*

*Under item 8.10 (ii)*

*List of authorities empowered to issue certificates of verification or SC/ST/OBC status has been indicated.*

*Under para 8.11 entitled "INVALID APPLICATIONS" It is indicated "The applications having any of the following (listed the items) deficiencies, discrepancies or irregularities will be summarily rejected. In the listed deficiencies etc. against item 8.11 (viii) the entry is "Without proper certificates, in respect of SC/ST/OBC and/or Physically handicapped."*

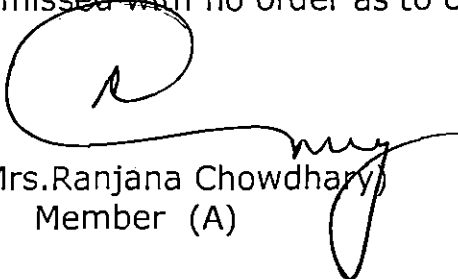
In the OA the applicant has submitted a copy of his application form marked as Annexure- R/2 in which against the relevant item No.11, he has mentioned "AaPiVa" i.e. OBC. The applicant has not enclosed the photo copy of the OBC certificate that he had to enclose.

During the hearing when the applicant was questioned as to why he has not submitted the same, his response was that OBC certificate has been submitted by him at P/15. We have carefully gone through the said certificate and we found that this certificate was issued on 14.11.2003 and it was mentioned therein that the applicant does not come under the creamy Layer. It is pertinent to mention here that the applicant has filled the form in 2011 whereas the OBC certificate that he is relying on is dated 14.11.2003. He should

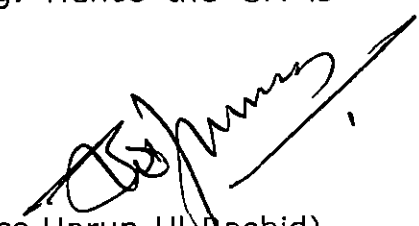
have submitted the certificate which was relevant to the Notification/Recruitment year i.e. 2011. It may be mentioned here that during the hearing the applicant has admitted that he has failed to produce the said certificate. As the applicant has failed to submit the OBC certificate in the prescribed form as he was required to do under the Item No.8.10(ii) it evoked Para 8.11 (viii) vide which in the absence of proper certificate in respect of belonging OBC the application could be summarily rejected.

On the basis of aforementioned facts, circumstances and rules, the respondents were correct in issuing the impugned order dated 23.10.2012 as the applicant had failed to submit the OBC certificate.

In view of the position stated above the applicant is not entitled to the relief that he is seeking. Hence the OA is dismissed with no order as to costs.



(Mrs. Ranjana Chowdhary)  
Member (A)



(Justice Harun-UI-Bashid)  
Member (J)

Adm/