

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00408/2014

Decided on: 13.05.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Mamta daughter of Sh. Dariyao Singh, Village Bhora Rasulpur, Post Office Kheri Gujjar, Tehsil Ganaur, District Sonipat, Haryana.

**.....Applicant
Versus**

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pensions, 5th Floor, Sardar Patel Bhavan, New Delhi -110001.
2. Staff Selection Commission through Regional Director (NR), Block No. 12, CGO Complex, Lodhi Road, New Delhi -110504
3. Additional District Registrar, Department of Health, Birth and Death Registration, Civil Hospital, Sonepat.

.....Respondents

Present: Mr. Naveen Singh Panwar, counsel for the applicant

Order (oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The present O.A. has been filed by the applicant for issuance of a direction to the respondents to allow her to participate in the further selection process of Combined Higher Secondary Level Examination, 2013.
2. Learned counsel for the applicant submits that earlier the applicant had filed a Civil Suit seeking declaration of date of birth as

15.10.1987 instead of 22.08.1985, which was dismissed and appeal filed there against is pending adjudication before the Civil Court. He submits that the respondents may be directed to consider the claim of the applicant subject to outcome of the pending appeal.

3. A perusal of clause 4(A)(1) of Annexure A-1 provides that the Date of Birth as recorded in the Matriculation/Secondary Examination Certificate or an equivalent certificate only available on the date of submission of application will be accepted by the Commission for determining the Age eligibility and no subsequent request for its change will be considered or granted. Admittedly, the applicant, as per the date of birth recorded in her matriculation certificate, is not eligible to appear in the Test for the relevant post, therefore, as on date, he has no case and no direction can be issued in anticipation. The pendency of Civil Suit does not give her a right to seek consideration for selection against the relevant post.

4. The O.A. is, therefore, dismissed for being devoid of merits.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 13.05.2014

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