

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-1441/2016

**Reserved on: 30.08.2017
Pronounced on : 31.08.2017**

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Abhishek Singh,
S/o Sh. Rajender Kumar,
R/o VPO Rahunathpura, Teh- Narnaul,
Distt.-
Mohindergarh,
Haryana-123001
Aged about 24 years,
(CGL-2015 OBC Candidate) ... Applicant
(through Sh. Ajesh Luthra)

Versus

1. Union of India,
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance & Pension,
North Block, New Delhi.
2. Staff Selection Commission,
Through its Chairman (Head Quarter),
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110504.
3. Staff Selection Commission (Northern Region),
Through its Regional Director,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110504. ... Respondents
(through Sh. Gyanendra Singh)

Mr. Shekhar Agarwal, Member (A)

The applicant was a candidate in the CGL, 2015 notified by Staff Selection Commission in the OBC Category. He participated in the aforesaid

selection and secured 412.25 marks which was more than the cut off. Consequently, he was called for interview on 12.03.2016. On that date, he produced an OBC certificate issued by the competent authority on 24.02.2016. This was rejected by the respondents on the ground that it was issued after the period notified in the advertisement which was 12.06.2012 to 09.12.2015. The applicant was then made to sign a declaration that he would be treated as an unreserved candidate and it was only on that condition that he was allowed to participate in the interview. The applicant made a representation to the respondents on 14.04.2016 requesting them to treat him as an OBC candidate. When he did not receive any favourable response, he has approached this Tribunal by filing this OA seeking the following reliefs:

“a) hold and declare that the respondents have illegally denied OBC status including non-creamy layer status to the applicant to which he is entitled to
b) direct the respondents to further consider and process the applicant's candidature in CGLE-2015 upon accord of relaxations and concessions admissible to OBC class.
c) accord all consequential benefits.
d) award costs of the proceedings; and
e) pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant.”

2. In their reply, the respondents have stated that the applicant had participated successfully in Tier 1 and Tier 2 Examination and was called for interview on 12.03.2016. During document verification he produced an OBC certificate which was issued on 24.02.2016 whereas in the instructions given to the candidates through the advertisement, certificates issued during the period 12.06.2012 to 09.12.2015 only were to be accepted. Since the OBC certificate of the applicant was issued after this specified period it was not accepted and the applicant was treated as an unreserved candidate.

3. We have heard learned counsel for the applicant, Sh. Ajesh Luthra and learned counsel for the respondents Sh. Gyanendra Singh. Sh. Singh emphasised the importance of instructions issued to the candidates and stated that these instructions were sacrosanct and could not have been violated. The applicant had admittedly produced the OBC certificate issued after the period specified in the advertisement. Hence, the respondents have rightly rejected his claim to be treated as an OBC candidate.

4. On the other hand, Sh. Luthra relied on the judgment of this very Bench of this Tribunal in OA No. 1309/2014 titled Ms. Shanti vs. SSC pronounced on 09.05.2017 and stated that the instant case was squarely covered by the aforesaid judgment.

5. We have perused the judgment relied upon by the applicant and we find that this case is on all fours with that judgment. In this case also, the caste certificate produced by the applicant although issued after the date prescribed by the respondents, was based on the income of the same three financial years which would have been relevant had the certificate been issued within the dates prescribed. Also, the certificate was produced by him at the time of document verification i.e., much before the selection process had been completed. We, therefore see no reason as to why the applicant was not extended the benefit of this certificate and treated as an OBC candidate.

6. In view of the aforesaid, we have no hesitation in allowing this OA. We further direct the respondents to process the candidature of the applicant by treating him as an OBC candidate and appoint him in case he is not found to be ineligible on any other ground. If so appointed, he shall be entitled to consequential benefits of pay fixation and seniority commensurate with his position in the merit list. The above benefits may be extended to him within a

period of eight weeks from the date of receipt of certified copy of this order. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/