

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1592 OF 2015

New Delhi, this the 24<sup>th</sup> day of May, 2016

CORAM:

**HON'BLE SHRI SHEKHAR AGARWAL, ADMINISTRATIVE MEMBER  
AND**

**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

.....

Mumtaj Haider,  
S/o Hussain Ali Naqbi,  
FF-51/241, 3<sup>rd</sup> Floor, Near Tikona Park,  
Laxmi Nagar, Delhi 92

Also At:

418/260, Sir Sayed Road, Lane-4,  
Bai Joga Extn.,  
Okhla Jamia Nagar,  
Delhi 25

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Applicant

(By Advocate: Mr. Vaibhav Sharma)

Vs.

Delhi Metro Rail Corporation Ltd.,  
3<sup>rd</sup> Floor, A Wing, Metro Bhawan,  
Fire Brigade Lane, Barakhamba Road,  
New Delhi-01

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Respondent

(By Advocate: Mr. V.S.R.Krishna)

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**ORDER**

**Per Raj Vir Sharma, Member(J):**

We have perused the records, and have heard Shri Vaibhav Sharma, the learned counsel appearing for the applicant, and Shri V.S.R.Krishna, the learned counsel appearing for the respondent.

2. The respondent-Delhi Metro Rail Corporation Ltd. (DMRC Ltd.) issued Advertisement inviting applications from eligible persons for recruitment to six posts of Accounts Assistant (Finance) reserved for Physically Handicapped (PH). The breakup of the said six vacancies was 02-OH, 02-VH, and 02-Hearing Handicapped. The applicant was one of the six candidates for selection and recruitment to two posts of Accounts Assistant (Finance) which were reserved for Hearing Handicapped (HH). The screening test of all the eligible candidates was conducted on 8<sup>th</sup> and 9<sup>th</sup> May 2014. Thereafter, respondent-DMRC Ltd, vide their order dated 22.5.2014, provisionally selected and/or empanelled:

- (i) Two OH candidates as against 02 vacancies reserved for OH;
- (ii) One HH candidate, namely, Shri Akhilesh Kumar Jha, as against 02 vacancies reserved for HH; and
- (iii) Two VH candidates as against 02 vacancies reserved for VH.

As the applicant was not empanelled /selected, a complaint was made by him before the Court of Chief Commissioner for Persons with Disabilities, New Delhi. The applicant alleged that though the said Shri Akhilesh Kumar Jha did not possess and produce the prescribed Medical Disability Certificate, the respondent-DMRC Ltd. allowed him to appear in the screening test. It was also alleged by the applicant that Shri Akhilesh Kumar Jha was not entitled to be considered as an HH candidate. On being called upon by the court of Chief Commissioner for Persons with Disabilities, New Delhi, the respondent-DMRC Ltd., on 23.7.2014, submitted their reply to the

applicant's complaint. After considering the applicant's complaint, and the respondent-DMRC Ltd.'s reply, the Dy. Chief Commissioner, Court of Chief Commissioner for Persons with Disabilities, vide his letter dated 30.12.2014, intimated the applicant that no further intervention was required, and that his case was closed. Paragraph 2 of the letter dated 30.12.2014, *ibid*, reads thus:

02. The General Manager/HR, DMRC Ltd. vide letter No.DMRC/Pers/10/2014 dated 23.07.2014 has informed that it is a fact that Shri Akhilesh Kumar Jha could not produce the persons with disabilities certificate in the requested format but he had produced another certificate of disability signed by Medical Board of three officers from Bihar and requested the Management for consideration of his candidate. There were few more similarly placed candidates in other PwD categories who could not produce the persons with disabilities certificate in requested format. The case of such PwD candidate who could not produce certificate on requisite format, on the date of interview were provisionally permitted for Screening and an undertaking was obtained from the candidate. He along with other such candidate had signed an undertaking that he would produce the requisite persons with disabilities certificate before the next stage of recruitment. He further submitted that Shri Mumtaj Haider scored in written test: 0/10 and in interview: 5/15, Shri Akhilesh Kumar Jha in written test: 3.50/10 and in interview 10/15 and Shri Rishu Anand in written test: 4.50 and in interview 6/15.ö

After getting the above letter dated 30.12.2014, the applicant has filed the present O.A. for issuance of a direction to the respondent-DMRC Ltd. to consider his candidature for the post of Accounts Assistant (Finance) under HH category. Besides reiterating the stand taken by him before the court of the Court of Chief Commissioner for Persons with Disabilities, the applicant has contended that the respondent-DMRC Ltd. acted illegally and arbitrarily in not selecting him, though he fulfilled the eligibility criteria and also

produced the prescribed Medical Disability Certificate on the date of screening test. It has also been contended by the applicant that when there were two vacancies and only one candidate was selected, and when he was the only candidate who produced the prescribed Medical Disability Certificate on the date of screening test, the respondent-DMRC Ltd. ought to have selected him irrespective of marks obtained by him in the interview or paragraph writing. It has also been contended by the applicant that in the absence of any norms of selection being mentioned in the Advertisement, the respondent-DMRC Ltd. ought not to have declared him as unsuccessful in the screening process.

3. *Per contra*, the respondent-DMRC Ltd. have contended, *inter alia*, that Shri Akhilesh Kumar Jha had produced Medical Disability Certificate issued by a Government Hospital. He was allowed to appear at the screening test subject to the condition that he would furnish the prescribed Medical Disability Certificate before the date of declaration of the result. This facility was also extended to other similarly placed candidates. The Advertisement clearly laid down the screening process. The screening process was also briefed to the candidates on the date of the screening test. Paragraph writing and interview were for 10 marks and 15 marks respectively. It was clearly mentioned in the Advertisement that the candidates had to pass each stage of selection process. The applicant scored -00 mark in the paragraph writing, and 5 marks in the interview, and, thus, he failed to pass in both paragraph writing and interview. The minimum

percentage of marks was 40% at each stage to qualify in the screening test. The respondent-DMRC Ltd. have also contended that when the candidature of the applicant has been duly considered by them for the post of Accounts Assistant (Finance) under the HH category, and that when he has not been selected because of his having failed to qualify in the screening test, the O.A. filed by him is liable to be dismissed.

4. After having given our anxious consideration to the facts and circumstances of the case, and the rival contentions, we have found no substance in the contentions of the applicant.

5. The Advertisement itself stipulated that for the post of Accounts Assistant (Finance) reserved for Physically Handicapped, the selection methodology would comprise two stages ó personal interview, and paragraph writing, followed by medical examination in Cee-one category, and that the candidates would have to pass through each stage successfully. It is not in dispute that the applicant scored 40 mark out of 10 marks in the paragraph writing, and 5 marks out of 15 marks in the interview, and, thus, he did not qualify in the screening test. It is also not in dispute that Shri Akhilesh Kumar Jha and other candidates had produced Medical Disability Certificates issued by Government Hospitals, and that the respondent-DMRC Ltd. had allowed all of them to appear at the screening test subject to the condition that the prescribed Medical Disability Certificates would be produced by them before the date of declaration of the result. Apparently, the prescribed Medical Disability Certificates were produced by those

candidates within the stipulated time, and the respondent-DMRC Ltd. declared the result of the screening test. Having failed to qualify in the screening test, the applicant cannot be said to have any grievance against his non-selection and/or selection of Shri Akhilesh Kumar Jha, nor can he claim his selection against the unfilled vacancy solely on the ground of his having produced the prescribed Medical Disability Certificate on the date of screening test.

6. In the light of our above discussions, we have no hesitation in holding that the O.A. is devoid of any merit and liable to be dismissed. Accordingly, the O.A. is dismissed. No costs.

**(RAJ VIR SHARMA)**  
**JUDICIAL MEMBER**

**(SHEKHAR AGARWAL)**  
**ADMINISTRATIVE MEMBER**

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