

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.838/2015  
MA No.794/2015

Reserved on : 12.02.2016  
Pronounced on : 04.08.2016

**Hon'ble Shri Sudhir Kumar, Member (A)**  
**Hon'ble Shri Raj Vir Sharma, Member (J)**

Ms.Neha, age about 25 years  
(Primary Teacher in MCD on contract basis)  
D/o Sh.Sukhbir Singh Hudda,  
R/o H.No.55, Village Zind Pur  
Post Office Alipur, Delhi-110036. ...Applicant.  
(By Advocate: Shri Kartar Singh)

**Versus**

1. Chief Secretary, Govt. of NCT of Delhi,  
New Secretariat, I.P.Estate,  
I.T.O., New Delhi.
2. The Chairman,  
Delhi Subordinate Services Selection Board,  
FC-18, Institutional Area,  
Karkardooma, Delhi-110092. ...Respondents.  
(By Advocate: Ms.Rashmi Chopra)

**ORDER**

**Per Sudhir Kumar, Member (A):**

The grievance of the applicant in this OA is that her candidature for the post of Teacher (Primary)/Assistant Teacher has been rejected by the Respondent No.1 - GNCTD and the Respondent No.2 - Delhi Subordinate Services Selection Board (DSSSB, in short) R-2). The applicant had applied in response to the Advertisement brought out by the Respondent No.2 for the

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Post Code No.70/09 claiming fulfillment of all requirements in this regard. In regard to the period of limitation, the applicant had given declaration in Para-3 of the OA as follows:

**"3. Limitations:-**

The applicant declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. The applicant sent legal notice dated 20.12.2014 to the respondents for appointment, but no avail."

2. When the case was first listed for admission, learned counsel for the applicant had sought two weeks' time to file the respondents' reply to the legal notice. On 05.03.2015, that reply of the Respondent No.2 dated 21.01.2015, addressed to the learned counsel for the applicant, had been filed. Thereafter, notices were issued in the OA, the respondents filed their counter reply on 31.08.2015, and the applicant, filed her rejoinder thereto on 03.11.2015, and thereafter, the case came to be heard and reserved for orders.

3. The facts of the case lie in a very narrow compass. The Respondent No.2 - DSSSB had advertised 4500 vacancies for recruitment of Teachers (Primary)/Assistant Teachers in the GNCT of Delhi and the Municipal Corporation of Delhi in December, 2009 through their Advertisement No.004/2009 vide Post Codes 70/09 and 71/09, and the last date for receipt of the

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applications for the posts concerned was 15.01.2010. Later on, the Respondent No.2 – DSSSB increased the number of vacancies of Primary Teachers upto 7020 in place of 4500 vide its Corrigendum Advertisement dated 16.09.2011, and it was further stated that those eligible candidates, who fulfilled the eligible conditions as on the original cut-off date 15.01.2010, can also apply upto 17.10.2011 for the extra posts. The applicant applied thereafter and was initially disallowed from her appearing at the said examination, but later on her name was inserted in the eligibility list through Annexure A-12, and she was permitted to appear at that examination held on 02.02.2014, through Admit Card issued vide Annexures A-13 and A-14. The applicant had claimed to be an OBC category and had enclosed the certificate of her not being above the creamy layer of the OBCs through Annexure A-8 dated 01.02.2008. The applicant qualified at the examination, and secured 85.25 marks, which were displayed against her name as per Roll Number-wise result produced at Annexure A-15. However, the applicant's name was included in the Rejection Notice notified by the Respondent through Annexure A-16 dated 05.12.2014, with the remarks "ETE AFTER CUT-OFF DATE". In the same result, the marks of the last successful unreserved candidate stood at 79 marks.

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4. The applicant's grievance is that after her having secured 85.25 marks, and being in the OBC category, and her marks being higher than the last unreserved candidate selected, she was actually eligible for appointment in unreserved category, with or without her OBC certificate. Through Annexure A-17, the applicant has submitted that she is already working as a Primary Teacher in MCD on contract basis, as she fulfills all the required qualifications, and the Respondent No.2 has not selected her for the said post knowingly and deliberately, which is illegal and against the law.

5. She has taken the ground that non-consideration of her case for appointment is also arbitrary, discriminatory and violates her fundamental rights under Articles 14, 16 and 21 of the Constitution, as she fulfills all the requirements for the post concerned, and she was eligible for the post of Primary Teacher in all respects, and rejection of her case is unjustified, and contrary to the law, more so when candidates who had got lesser marks than her have been appointed, and her case was rejected without any reason, which is illegal.

6. She had also taken the ground that against 7020 vacant posts for the Primary Teachers notified, selections have been made of only 2176 candidates, and 4344 posts are still lying

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vacant, but still her candidature was arbitrarily rejected. As a result, she has prayed for the following reliefs, apart from the interim relief, which had not been granted at any stage:

"i) Direct the respondents to consider the applicant's case for appointment of Primary Teacher post in MCD as per post code No.70/09 and 71/09 (Advt. No.004/2009) which is already marked as Annexure A-6 with the O.A.

ii) Pass any other order/orders/relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case to meet the ends of justice."

7. In their reply dated 21.01.2015 to the legal notice by the applicant's counsel, the respondents had stated as follows:

"On going through the relevant documents of the candidates, it was found that date of issue mentioned in the mark sheet of 2<sup>nd</sup> year & on the certificate of Diploma in Education is 06/10/2010 (Copies attached) Whereas the cut-off date for the post code 70/09 was 15/01/2010. As such it is clearly evident the candidate was not qualified on the cut-off date, hence was appropriately positioned in rejected list."

8. In their counter reply, the respondents submitted that the present case is no longer *res integra*, as it has already been decided by the Hon'ble Apex Court in the case of **Santosh Kumar Meena and Ors. Vs. Govt. of N.C.T. of Delhi and Ors.**

2013 (11) SCC 58, in which it has been held as follows:

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"21. In the instant case, the appellant did not possess the requisite qualification on the last date of submission of the application though he applied representing that he possessed the same. The letter of offer of appointment was issued to him which was provisional and conditional subject to the verification of educational qualification, i.e., eligibility, character verification etc. Clause 11 of the letter of offer of appointment dated 23.2.2009 made it clear that in case character is not certified or he did not possess the qualification, the services will be terminated. The legal proposition that emerges from the settled position of law as enumerated above is that the **result of the examination does not relate back to the date of examination. A person would possess qualification only on the date of declaration of the result.** Thus, in view of the above, no exception can be taken to the judgment of the High Court.

22. It also needs to be noted that like the present appellant **there could be large number of candidates who were not eligible as per the requirement of rules/advertisement since they did not possess the required eligibility on the last date of submission of the application forms.** Granting any benefit to the appellant would be violative of the **doctrine of equality, a backbone of the fundamental rights under our Constitution.** A **large number of such candidates may not have applied considering themselves to be ineligible adhering to the statutory rules and the terms of the advertisement.**"

(Emphasis supplied)

9. It was pointed out that the last date for applying for the said post was 15.01.2010, but due to upgrading of the post from Group "C" to Group "B" which implementing the

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recommendations of the 6<sup>th</sup> Pay Commission, the user Department has since modified the Recruitment Rules (RR, in short), as per the directions of this Tribunal in a particular case, and as per the revised RRs, the subject English was made compulsorily to be passed at the Senior Secondary level, and the pay was increased substantially from Group "C" to Group "B". It was submitted that the OA is not maintainable, as the applicant did not possess the eligibility criteria as on the cut-off date on 15.01.2010, and hence the present OA should be dismissed.

10. In reply to the OA, the respondents submitted that it was essential that all the prescribed qualifications must have been possessed by the candidates concerned on 15.01.2010, whereas the marks sheet certificate furnished by the applicant shows that the same was issued on 06.10.2010, i.e. after the cut-off date, and hence candidature of the applicant rejected on the ground that she had obtained the essential qualification after the cut-off date, which was against the terms and conditions mentioned in the Advertisement. Therefore, it was submitted that since the applicant had become eligible only after the cut-off date, her candidature could not have been considered for the said post, and, the action taken by the respondents is legal and justified, and the OA is liable to be dismissed.

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11. The applicant filed her rejoinder on 03.11.2015 submitting that her case is different from the case of the judgment of the Hon'ble Apex Court in **Santosh Kumar Meena and Ors. Vs. Govt. of N.C.T. of Delhi and Ors.** (supra), which was regarding not possession of requisite eligibility as on the last date of submission of the applications for the job, whereas the applicant was eligible for job at the time of submission of her application, because of which only the respondents had placed her name in eligibility list for the examination to be conducted.

12. It was submitted that the issue in the case **Santosh Kumar Meena and Ors.** (supra) was not related to re-advertisement for the posts, while the applicant's case is based on the re-advertisement for the post of Teachers, by which the number of vacancies were modified, and the date for submission of the application forms was also extended. It was further submitted that once the respondents had permitted the applicant to appear at the test, they had become *functus officio*, and were duty bound to select the qualified candidates for the job, and their plea with regard to the cut-off date was devoid of any merit and unsustainable. It was submitted that the respondents ought to be directed to clarify as to how many candidates have been recruited against the first advertisement, and as to how many

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candidates were selected against the re-advertisement, separately, because the applicant claimed her consideration for the job under second Notification or re-advertisement. It was submitted that the respondents have grossly acted against the principles of natural justice in having rejected her candidature without affording her any opportunity of being heard, when no fault or mistake lies on her part.

13. It was submitted that her case was to be considered against the vacancies, and her case could not have been related to the orders dated 20.07.2010 passed by this Tribunal in OA No.121/2010 and OA No.151/2010, through which amendment of RRs had been directed. It was submitted that the respondents have made false and incorrect averments in their counter affidavit, and, therefore, this Tribunal should direct the respondents to consider her case, as per the directions issued on 11.08.2015 by a Coordinate Bench in **Abhimanyu and 64 Others** OA No.299/2015, and **Anuj Kumar and 37 Others** in OA No.145/2015, in which the Coordinate Bench had disposed of those two OAs, and had given direction as per paras 16 to 18, without laying down any *ratio decidendi* in regard to two OAs concerned, leaving the Respondent-DSSSB to assess the

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candidatures of the applicants against the unfilled vacancies on their own.

14. Heard. Learned counsel for both the sides argued more or less on the lines of their pleadings, and therefore, their arguments need not be once again recorded in detail, as their rival contentions have already been discussed above.

15. It is clear from the combined reading of the Hon'ble Apex Court's judgment in **Santosh Kumar Meena and Ors. Vs. Govt. of N.C.T. of Delhi and Ors.** (supra) and the judgment of the Hon'ble Delhi High Court in **DSSSB vs. Preeti Balayan & another** (supra) that the cut-off date, i.e. 15.01.2010, was sacrosanct, and this Tribunal cannot issue any direction contrary to these two orders of superior Courts.

16. In another OA No.3585/2015 decided on 08.04.2016, this very Bench had considered a similar case, and had recorded its findings as follows:

"35. On the point of/aspect of possession of all necessary qualifications and certificates as on the cut-off date, which is normally the last date for receipt of application, unless otherwise specified in the Advertisement concerned, the following can be cited as some of the case laws on the subject:-

i) In the case of **Ashok Kumar Sharma & Ors. vs. Chander Shekhar & Another JT 1997 (4) SC 99**, a three-Judges' Bench of the Hon'ble Apex Court had held in Paragraphs 6 & 7 as follows:-

"6. The review petitions came up for final hearing on 3/3/1997. We heard the learned counsel for the review petitioners, for the State of Jammu & Kashmir and for the 33

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respondents. So far as the first issue referred to in our Order dated 1/9/1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. **The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all.** An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment. This is also the proposition affirmed in *Rekha Chaturvedi v. University of Rajasthan*. The reasoning in the majority opinion that by allowing the 33 respondents to appear for the interview, the recruiting authority was able to get the best talent available and that such course was in furtherance of public interest is, with respect, an impermissible justification. It is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our opinion, R.M. Sahai, J. (and the division bench of the High court) was right in holding that the 33 respondents could not have been allowed to appear for the interview.

7. Mr Rakesh Dwivedi, learned counsel for the 33 candidates, submitted that these 33 candidates had appeared for the B.E. Examination prior to their applying for the post and that there was some delay in publishing the results and that these respondents cannot be punished for the delay on the part of the authorities concerned in publishing the results. In our opinion, the said contention is beside the point. In these proceedings, we cannot examine the reasons for delay - assuming that there was delay in publishing the results. That issue is outside the purview of the writ petition. **Whatever may be the reason, the 33 persons were not qualified as on the prescribed date and, therefore, could not have been allowed to appear**

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**for the interview.** On the first issue (mentioned in the Order dated 1/9/1995, therefore, we hold in favour of the review petitioners, affirming the opinion of Sahai, J.

(Emphasis supplied)

ii). In **Dr. M.V. Nair vs. Union of India & Ors. (1993) 2 SCC 429**, again a three-Judges' Bench of the Hon'ble Apex Court had in Paragraph-9 held has follows:-

**"9.....It is well settled that suitability and eligibility have to be considered with reference to the last date for receiving the applications,** unless, of course, the notification calling for applications itself specifies such a date."

(Emphasis supplied)

iii). In **Bhupinderpal Singh and Others vs. State of Punjab & Ors. (2000) 5 SCC 262**, the Hon'ble Apex Court had in Paragraphs 13 & 14 stated as follows:-

"13. Placing reliance on the decisions of this Court in Ashok Kumar Sharma v. Chander Shekhar, (1997) 4 JT (SC) 99; A. P. Public Service Commission v. B. Sarat Chandra, (1990) 4 Serv LR 235 (SC); Dist. Collector and Chairman, Vizianagaram (Social Welfare Residential School Society) Vizianagaram v. M. Tripura Sundari Devi, (1990) 4 Serv LR 237 (SC); Mrs. Rekha Chaturvedi v. University of Rajasthan, (1993) 1 JT (SC) 220 : (1993 AIR SCW 1488 : 1993 Lab IC 1250); Dr. M. V. Nair v. Union of India, (1993) 2 SCC 429 : (1993 AIR SCW 1412 : 1993 Lab IC 1111); and U. P. Public Service Commission, U. P., Allahabad v. Alpana, (1994) 1 JT (SC) 94 : (1994 AIR SCW 2861), **the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with.** However, there are certain special features of this case which need to be taken care of and justice done by invoking the jurisdiction under Article 142 of the Constitution vested in this Court so as to advance the cause of justice.

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14. In view of several decisions of this Court relied on by the High Court and referred to hereinabove, it was expected of the State Government notifying the vacancies to have clearly laid down and stated the cut off date by reference to which the applicants were required to satisfy their eligibility. This was not done. It was pointed out on behalf of the several appellants/petitioners before this Court that the practice prevalent in Punjab has been to determine the eligibility by reference to the date of interview and there are innumerable cases wherein such candidates have been seeking employment as were not eligible on the date of making the applications or the last date appointed for receipt of the applications but were in the process of acquiring eligibility qualifications and did acquire the same by the time they were called for and appeared at the interview. Several such persons have been appointed but no one has challenged their appointments and they have continued to be in public employment. Such a loose practice, though prevalent, cannot be allowed to be continued and must be treated to have been put to an end. The reason is apparent. The applications made by such candidates as were not qualified but were in the process of acquiring eligibility qualifications would be difficult to be scrutinised and subjected to the process of approval or elimination and would only result in creating confusion and uncertainty. Many would be such applicants who would be called to face interview but shall have to be returned blank if they failed to acquire requisite eligibility qualifications by the time of interview. In our opinion **the authorities of the State should be tied down to the principles governing the cut off date for testing the eligibility qualifications on the principles deducible from decided cases of this Court and stated herein above which have now to be treated as the settled service jurisprudence.**

(Emphasis supplied)

iv) In the case of **Mrs. Rekha Chaturvedi vs. University of Rajasthan & Ors. JT 1993 (1) SC 220**, the Hon'ble Apex Court had held as under:

"12. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. **Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection**

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**or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts.** The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. **Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications.**

**13.....It is for this purpose that we lay down the following guidelines for the future selection process:**

- A. xxxxxxxxxxxx (Not reproduced here).
- B. **The candidates selected must be qualified as on the last date for making applications for the posts in question or on the date to be specifically mentioned in the advertisement/notification for the purpose. The qualifications acquired by the candidates after the said date should not be taken into consideration, as that would be arbitrary and result in discrimination. It must be remembered that when the advertisement/notification represents that the candidates must have the qualifications in question, with reference to the last date for making the applications or with reference to the specific date mentioned for the purpose, those who do not have such qualifications do not apply for the posts even though they are likely to acquire such qualifications and do acquire them after the said date. In the circumstances, many who would otherwise be entitled to be considered and may even be better than those who apply, can have a legitimate grievance since they are left out of consideration.**

C to E. xxxxxxxxxxxx (Not reproduced here)."

(Emphasis supplied)

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v) In the case of **State of Rajasthan vs. Hitendra Kumar Bhatt JT 1997 (7) SC 287**, the Hon'ble Apex Court has laid down the law as follows:-

**"6.....A cut-off date by which all the requirements relating to qualifications have to be met, cannot be ignored in an individual case. There may be other persons who would have applied had they known that the date of acquiring qualifications was flexible. They may not have applied because they did not possess the requisite qualification on the prescribed date. Relaxing the prescribed requirements in the case of one individual may, therefore, cause injustice to others."**

(Emphasis supplied)

vi) In the case of **Harpal Kaur Chahal (Smt) vs. Director, Punjab Instructions, Punjab and Another, 1995 Supp(4) SCC 706**, the Hon'ble Apex Court has held as under:-

**"2.....It is to be seen that when the recruitment is sought to be made, the last date has been fixed for receipt of the applications. Such of those candidates who possessed of all the qualifications as on that date alone are eligible to apply for and to be considered for recruitment according to rules.....".**

(Emphasis supplied)

vii) In the case of **U.P. Public Service Commission Utter Pradesh, Allahabad, Anr. vs. Alpana JT 1994 (1) SC 94**, the Hon'ble Apex Court has laid down the law in Para-6 as follows:-

**"6.....We find it difficult to give recognition to such an approach of the High court as that would open up a flood of litigation. Many candidates superior to the respondent in merit may not have applied as the result of the examination was not declared before the last date for receipt of applications. If once such an approach is recognised there would be several applications received from such candidates not eligible to apply and that would not only increase avoidable work of the selecting authorities but would also increase the pressure on such authorities to withhold interviews till the results are declared, thereby causing avoidable administrative difficulties.....".**

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viii) In the case of **District Collector & Chairman Vizianagaram (Social Welfare Residential School Society) Vizianagaram and Anr. vs. M. Tripura Sundari Devi 1990 (4) SLR 237**, the Hon'ble Apex Court has in Para-6 held as follows:-

**"6. It must further be realised by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or even better qualifications than the appointee or appointees but who had applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint persons with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No court should be a party to the perpetuation of the fraudulent practice. We are afraid that the Tribunal lost sight of this fact.**

(Emphasis supplied)

ix) Similar is the effect of the case law as laid down by the Hon'ble Apex Court in **Ganga Singh vs. Commissioner of Police and Another, AIR 1987 SC 699=(1987) 1 SCC 377**, and in **Mahavir Singh vs. Staff Selection Committee and Another, AIR 1986 SC 582=(1986) 1 SCC 668**.

x) In the case of **State of Uttar Pradesh vs. Vijay Kumar Mishra, AIR 2003 SC 4411**, the Hon'ble Apex Court had held as follows:-

**"8. The position is fairly well settled that when a set of eligibility qualifications are prescribed under the rules and an applicant who does not possess the prescribed qualification for the post at the time of submission of application or by the cut off date, if any, described under the rules or stated in the advertisement, is not eligible to be considered for such post.** It is relevant to note here that in the rules or in the advertisement no power was vested in any authority to make any relaxation relating to the prescribed qualifications for the post. Therefore, the case of a candidate who did not come within the zone of consideration for the post could not be

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compared with a candidate who possess the prescribed qualifications and was considered and appointed to the post. Therefore, the so-called confession made by the officer in the Court that persons haying lower merit than the respondent have been appointed as SDI (Basic), having been based on misconception is wholly irrelevant. The learned single Judge clearly erred in relying on such a statement for issuing the direction for appointment of the respondent. The Division Bench was equally in error in confirming the judgment of the learned single Judge. Thus the judgment of the learned single Judge as confirmed by the Division Bench is unsustainable and has to be set aside.

(Emphasis supplied)

xi) Similar is the essence of the law as laid down in **Mills Douglas Michael and Ors. vs. Union of India & Ors. JT 1996 (4) SC 189; Shankar K. Mandal & Ors. vs. State of Bihar & ors. (2003) 9 SCC 519; Ashok Kumar Sonkar vs. Union of India (2007) 4 SCC 54; Govt. of Andhra Pradesh & Ors. vs. N. Subbarayudu & Ors., (2008) 14 SCC 702; National Council for Technical Education and Others vs. Shri Shyam Shiksha Parashikshan Sansthan and Others Etc. Etc., (2011) 3 SCC 238; and in Orissa Power Transmission Corporation Ltd. Vs. Khageswar Sundaray and Others (2011) 8 SCC 269”.**

17. The applicant cannot be allowed to rely on the Orders passed on 11.08.2015 by a Coordinate Bench in OA No.299/2015 with OA No.145/2015 (supra), since in its orders that Bench that day had not laid down any *ratio decidendi*, and had merely issued directions to the respondent-DSSSB to assess the candidature of the applicants of those two OAs on their own, against the unfilled vacancies. In view of the preponderance of the

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case law as cited above, such a direction could not at all have led to a relaxation in the concept of cut-off date.

18. Therefore, it is clear that since as on the prescribed cut-off date, i.e. 15.01.2010, the applicant did not possess the required qualification, and her certificate of having passed English as 2<sup>nd</sup> language through the certificate issued by the Senior Education Board, Madhya Pradesh, Bhopal, was issued only on 06.10.2016, much after the cut-off date, i.e. 15.01.2010, the applicant is not entitled to any relief, as prayed for in this OA. Therefore, we find no merit in the O.A., and the same is, therefore, rejected, but there shall be no order as to costs.

(Raj Vir Sharma)  
Member (J)

(Sudhir Kumar)  
Member (A)

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