

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.2565 OF 2012

New Delhi, this the 26th day of November, 2015

CORAM:

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

Sh. Vikash,
s/o Sh.Dhrambir Singh,
R/o Mitha Thal,
District & Tehsil-Bhiwani,
Haryana

(By Advocate: Mr.N.K.Chahar)

Vs.

Staff Selection Commission (Northern Region),
through its Secretary,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi

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Respondent

(By Advocate: Mr.S.M.Arif)

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RAJ VIR SHARMA, MEMBER(J):

The brief facts of the applicant's case are that he was a candidate of Combined Graduate Level Examination, 2011 (for short, CGLE-2011) conducted by Staff Selection Commission (for short, SSC).

for recruitment to different posts in various Ministries/Departments/Organizations. He appeared in the written examination and scored 347.75 marks therein. SSC issued letter dated 4.11.2011 calling upon him to submit documents for verification on 26.12.2011. Accordingly, he appeared and completed all the formalities as per the direction of SSC, and submitted detailed option for posts. He also submitted detailed option for posts online. He was told by officers of SSC that everything was complete. SSC declared the final result wherein his name did not find place, though candidates scoring less marks than him were selected for non-interview posts. His representation was rejected by SSC saying that there was no documentary evidence showing submission of option by him. Alleging that SSC acted arbitrarily and illegally in not selecting him for non-interview post on the basis of marks scored by him in the written examination, the applicant has filed the present O.A. wherein he has sought for the following reliefs:

- ñi. To declare the action of the respondents in not selecting him to the post as per his merit and options as illegal, arbitrary, mala fide, invalid, and improper and hence unsustainable in law.
- ii. To quash the order dated 30.03.2012 qua the applicant, as the reasons cited for non-selection are wholly illegal, arbitrary, mala fide, invalid and improper and hence unsustainable in law.
- iii. Direct the respondent to include the name of the applicant in selection list as per the order of his merit by considering the options regarding posts and states,, and consequent thereto appoint the applicant as per his merit from the date of appointment of similarly placed persons with all consequential benefits including arrears of pay etc.

- iv. Pass any other order or grant any other relief(s) as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the case.
- v. Grant the cost of the petition.Ö

1.1 It is contended by the applicant that he had indicated his preference for posts/States in the application form itself. Subsequently, he submitted the duly filled in option form on 26.12.2011 at the time of verification of documents, and also submitted the detailed option for posts online. As there was no provision requiring SSC to acknowledge the receipt of duly filled in detailed option form from candidates, he was not granted any receipt by SSC showing submission of detailed option for posts by him at the time of verification of documents on 26.12.2011. Taking advantage of such faulty procedure, SSC took the stand that he did not submit the detailed option for posts and rejected his representation. If the detailed option form submitted by him was misplaced at its end, SSC, instead of rejecting his candidature and/or his representation, ought to have afforded him an opportunity to submit the option form once again.

2. Resisting the O.A., the respondent-SSC has filed a counter reply, wherein it is, *inter alia*, stated that by its letter dated 4.11.2011, *ibid*, the applicant was asked to present himself for submission and verification of documents, and also to appear in the Data Entry Skill Test on 26.12.2011. He was also asked to submit the detailed option for posts, and duly filled in attestation forms on 26.12.2011. But the applicant failed to present himself on 26.12.2011 for the aforesaid purposes. Referring to paragraph 15 of the

notice of CGLE-2011, the respondent states that the applicant having failed to present himself on 26.12.2011 for the aforesaid purposes, his candidature was not considered further. The respondent states that the applicant's claim of his having submitted detailed option for posts is unfounded, and there is no trace of option form in his dossier. As per the procedure followed by it, the preference/option form of a candidate is attached to his dossier soon after the same is received from him/her. The claim of the applicant that he got verified all the documents, and was told by SSC that everything was complete, is a mere figment of his imagination. The recruitment notice is considered sacrosanct by SSC, and the candidates as well as SSC are bound by its provisions. Those candidates, who do not strictly abide by various provisions of the recruitment notice, are not considered further for selection/recruitment. Therefore, there is no illegality committed by SSC in rejecting the candidature of the applicant.

3. In his rejoinder reply, the applicant, while reiterating more or less the same averments and contentions as in his O.A., has controverted the stand taken by the respondents. It is contended by the applicant that the Data Entry Skill Test was for the non-interview post of Tax Assistant. As no option was given by him for the non-interview post of Tax Assistant, he did not appear in the Data Entry Skill Test. Along with rejoinder reply, the applicant has filed a copy of the detailed option which is claimed to have been submitted by him online.

4. We have perused the records, and have heard Shri N.K.Chahar, learned counsel appearing for the applicant, and Mr.S.M.Arif, learned counsel appearing for the respondent-SSC.

5. During the course of hearing, Mr.N.K.Chahar, learned counsel appearing for the applicant, invited our attention to the order dated 20.6.2012 (Annexure A/2) issued by SSC, qua the applicant, and submitted that the representation of the applicant was purportedly rejected by SSC as there was no documentary evidence showing submission of option by the applicant, whereas the plea taken by SSC in its counter reply is that as the applicant failed to present himself for submission of documents, including detailed option for posts, and duly filled in attestation form, and also failed to appear in the Data Entry Skill Test on 26.12.2011, his candidature was rejected and/or was not considered further. It was, therefore, argued by Mr.N.K.Chahar that the plea taken by SSC being fallacious is liable to be rejected, and appropriate direction should be issued to SSC to select the applicant for non-interview post on the basis of marks scored by him in the written examination.

6. The posts, to which recruitment was sought to be made through CGLE-2011, were divided into two groups, *inter alia*, based on Pay Band, Grade Pay, and paper in Tier II examination/Interview, wherever applicable as per the scheme of examination. They were Group A - posts in PB-II Rs.9300-34800 with Grade Pay Rs.4600/Rs.4200 for which interview-cum-personality test was prescribed (hereinafter referred to as 'interview posts');

and Group B - posts in PB-I Rs.5200-20200 with Grade Pay Rs.2800/Rs.2400 for which interview-cum-personality test was not prescribed (hereinafter referred to as 'non-interview posts'). The examination was conducted in three tiers, viz., Tier-I [written examination (objective Multiple Choice Type)], Tier II [written examination (objective multiple choice type)], and Tier III [Personality Test/Interview/Computer Proficiency Test or Skill Test (wherever applicable)]. Tier I examination was common for both the groups/categories of posts. Only those candidates scoring the cut-off and above marks in Tier I examination were declared to have qualified for appearing in Tier II examination. Only those candidates scoring the cut-off and above marks in Tier II examination were called for Interview-cum-Personality Test and/or Skill Test (wherever applicable). After the written examination and Interview/Skill Test/Computer Proficiency Test (wherever applicable), SSC drew up the All India Merit List for each category of posts/State, and as many candidates as were found by SSC to have qualified in the examination were recommended for appointment for each category of posts, taking into consideration option for the posts/States. SSC was to recommend the candidates in the merit list on the basis of aggregate marks obtained by candidates in the written examination and interview (wherever applicable) and preference exercised by the candidates at the time of Tier II/Interview/Skill Test.

6.1 As per paragraph 15 of the recruitment notice, the candidate was required to indicate his/her Group-wise preference very carefully.

He/she would not be considered for any post in a particular Group, if he/she did not indicate his/her preference for that Group. A further detailed option for various posts within the Group for which he/she exercised preference in the application would be obtained at the time of Tier-II /Interview/Skill Test.

6.2 It was stipulated in the notice of CGLE-2011 that in view of the huge number of applicants, scrutiny of the eligibility of candidates and other aspects would not be undertaken at the time of Tier-I and Tier-II examinations. Therefore, the application would be accepted provisionally only. Copies of supporting documents would be sought only from those candidates who qualified for Tier-II examination or after declaration of result of Tier II examination. Candidature would be cancelled if any information or claim was not found substantiated when the scrutiny would be undertaken by SSC after Tier-II of the Examination or after declaration of result of Tier II examination.

6.3 It is the admitted position between the parties that on the basis of marks scored by the applicant in Tiers I and II written examinations, he was declared to have qualified for all non-interview posts, viz., Auditor in CAG Offices (Code P), Auditor in CGDA Offices (Code Q), Auditor in CGA Offices (Code R), Junior Accountant/Accountant in CAG Offices (Code S), Junior Accountant/Accountant in CAG Offices (Code T), Upper Divisional Clerk (Code U), Tax Assistant in CBDT (Code V), Tax Assistant in CBEC (Code W), and Compiler (Code Y). As per the scheme of

examination, Data Entry Skill Test was prescribed for the post of Tax Assistant in CBDT (Code V), and Tax Assistant in CBEC (Code W).

6.4 The letter dated 4.11.2011 (Annexure A/1) issued to the applicant by SSC, after declaration of the result of Tier II examination, is reproduced below:

6F.No.2/1/2011-ND-I
GOVT. OF INDIA
STAFF SELECTION COMMISSION (NORTHERN REGION)
Block No.12, CGO Complex,
Lodhi Road, New Delhi 110004
DATED 04.11.2011
LETTER FOR SUBMISSION AND VERIFICATION OF DOCUMENTS (NON-INTERVIEW POSTS OF CGLE-2011)/DATA ENTRY SKILL TEST FOR THE POST OF TAX ASSISTANT

ID NO: 4810 4810

Roll No. 2201561030

Name: VIKASH

| | |
|-------------------------------|-------|
| Name VIKAS S/O DHARMBIR SINGH | Photo |
| Address: V/PO-MITATHAL | |
| Dist. & TEH: BHIWANI | |
| STATE: HARYANA | |
| PIN127031 | |

Dear Candidate,

With reference to your application for the above mentioned Examination, I am directed to inform you that on the basis of the result of the examination of Combined Graduate Level (Tier II) Examination, 2011 declared by the Commission, you have been found to be provisionally eligible to be called for submission and verification of documents-interview posts/Skill Test. Accordingly, you are requested to present yourself for the same purely on provisional basis as per the following programme and venue:

| | | | | | | | |
|---|---|----------|----|----------|------|--|--|
| Date of Skill Test | 26/12/2011 | Batch | 1 | Batch SN | 0010 | | |
| Reporting Time at Venue | Test Start Time | | | 09:00 AM | | | |
| Skill Test | Skill Test of 15 minutes duration on passage containing text of 2000 key depressions | | | | | | |
| Address of Venue of Computer Proficiency Test | All India Institute of Local Self Government, 22,23 Institutional Area, D-Block, Pankha Road, Janakpuri, New Delhi 110058 | | | | | | |
| Essential Educational Qualification | As per Notice | | | | | | |
| DOB | 08/10/1985 | Category | UR | | | | |

2. You are requested to fill up Attestation Form (duly attested by gazette officer) enclosed herewith correctly with photograph pasted on it & must bring three photocopies

of the same at the time of Skill Test. You are also requested to fill up the Detailed Option for Posts correctly and bring the same.

3. You should bring this call letter (in Original) along with original and photocopies of proof of date of birth, graduation certificate/all three years mark sheets, OBC certificate in case of OBC candidates, caste certificate in case of SC/ST candidates and Central Govt. Civilian employees certificate in case of candidates availing age relaxation under CGCE, Discharge certificate in case of EX Servicemen candidates, OH/HH/VH certificate in prescribed format in case of candidates belonging to Physically Handicapped category, duly self attested for verification and six recent passport size photographs along with ID proof (Voter card/identity card issued by the college etc.). While appearing for the skill test in data entry following notes should be kept in mind:-

- (i) You should fulfill and in possession of Educational Qualification (EQ) on or before 15.04.2011 as per notice of examination.
- (ii) Matriculation/High School/equivalent certificate, issued by the State/Central Education Board showing your date of birth (in Christian Era) will be accepted. Birth certificate issued by the Principal/Headmaster of the School/Institute where you studied or Date of birth recorded on mark sheet will not be accepted.
- (iii) Please bring the conversion formula for conversion from CGPA to percentage of marks secured in Diploma/Bachelor's degree from the institution/University in CGPA system is adopted by the institution/University.
- (iv) You should possess the OBC certificate in the format prescribed for Govt. of India post as per the notice of the exam. Candidates claiming OBC status may note that certificate on creamy layer status should have been obtained within three years before the date of closing date, i.e., 15.04.2011(16.04.2011 to 09.12.2011 i.e., date of completion of interview).
- (v) On actual verification from the Original documents, if you are not found fulfilling Educational Qualification (EQ) or any other eligibility criterions as per notice, you will not be allowed to attend the skill test. No change in date/venue of skill test shall be allowed under any circumstances.
- (vi) The Data Entry Skill Test will be of qualifying nature and as in the past, the test passage will be in English as the purpose of the test is to test the data entry skills of the candidates. Actual skill will be preceded by a test passage for 5 minutes in order to enable the candidates to adjust to the system and key board provided by the Commission. The candidate will not be required to re-enter the text on completion of the passage and, therefore, should utilize the spare time to correct mistake, if any.
- (vii) You have to appear in Skill Test as per the date, Batch No. and reporting time mentioned above.
- (viii) Allotment of posts/allotment of states will be on merit-cum-option basis. Kindly visit our web site www.sscnr.org.

Sd/ A.K.DADHICH
Under Secretary

6.5 Copy of the detailed option for posts, which is claimed to have been physically submitted by the applicant on 26.12.2011 at the time of

verification of documents, has been filed by him as Annexure A/5 to the O.A. The same is reproduced below:

oCOMBINED GRADUATE LEVEL EXAMINATION, 2011
(Detailed Option for Posts)
Roll No. of the Candidate **22015661030** Name of the Candidate **VIKAS SIWACH**

| Code | Name of post | Code | Name of Post |
|------|--|------|---|
| A | Assistant in CSS +* | M | Sub Inspector in CBI £ |
| B | Assistant in CVC* | N | Inspector of Posts £ |
| C | Assistant in Intelligence Bureau* | O | Divisional Accountant in CAG Office £ |
| D | Assistant in Ministry of Railway* | P | Auditor in CAG Offices |
| E | Assistant (Cypher) in Ministry of External Affairs* | Q | Auditor in CGDA Offices |
| F | Assistant, Ministry of Defence* | R | Auditor in CGA Offices |
| G | Assistant other Ministries /Organisations (Parliamentary Affairs* /Communication & Information Technology* /BPR&D £/Coast Guard £) | S | Junior Accountant / Accountant in CAG Offices |
| H | Income Tax Inspector* | T | Junior Accountant / Accountant in CGA Offices |
| I | Inspector (Central Excise)* | U | Upper Divisional Clerk % |
| J | Inspector (Preventive Officers)* | V | Tax Assistant in CBDT @% |
| K | Inspector (Examiner)* | W | Tax Assistant in CBEC@% |
| L | Assistant Enforcement Officer in Directorate of Enforcement* | X | Statistical Investigator Gr.II £ |
| | | Y | Compiler Gr.II % |

* : with Grade Pay of Rs.4600/- £ : with Grade Pay of Rs.4200/- : with Grade Pay of Rs.2800/- % : with Grade Pay of Rs.2400/- + : Computer Proficiency Test prescribed @ : Data Entry Skill Test prescribed.

Please indicate Code No. of post in order of preference in the Boxes below:-

(Candidates are advised that they will not be considered for the post for which option has not been exercised. Therefore, it is in their interest to fill in as many options as possible).

| | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| P | R | Q | S | T | U | V | W | H | I | J | K | L | A | B | F | G | N | | | | | | | |

Preference for place of Posting

Candidates are advised that State-wise options in order of preference for States /UTs are being sought to consider them for allotment in the event of their selection for posts / postings taking into consideration their position in the merit order subject to availability of vacancies / policies of the Commission in this regard. Candidates are advised to exercise preference for all States /UTs. They will not be considered for States /UTs for which options are not exercised by them.

| Sl.No. | State/UT | Sl.No. | State/UT |
|--------|-----------------------------------|--------|------------------------------|
| A | Andhra Pradesh | O | Madhya Pradesh |
| B | Arunachal Pradesh | P | Manipur |
| C | Assam | Q | Meghalaya |
| D | Bihar | R | Mizoram |
| E | Chhattisgarh | S | Nagaland |
| F | Delhi | T | Orissa |
| G | Gujarat | U | Punjab, Haryana & Chandigarh |
| H | Goa, Daman & Diu | V | Rajasthan |
| I | Himachal Pradesh | W | Tripura |
| J | Jammu & Kashmir | X | Tamil Nadu & Pudicherry |
| K | Jharkhand | Y | Uttarakhand |
| L | Kerala & Lakshadweep | Z | Uttar Pradesh |
| M | Karnataka | \$ | West Bengal |
| N | Maharashtra, Dadra & Nagar Haveli | # | Andaman & Nicobar |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| F | U | V | I | Y | Z | G | O | E | N | H | L | M | X | # | P | Q | R | S | S | A | B | C | K | J | T | W | D |

6.6 In addition to the above detailed option for posts, the applicant also claims to have submitted the detailed option for posts online, copy of which has been filed by him as Annexure to the rejoinder reply. The same is reproduced below:

oCOMBINED GRADUATE LEVEL EXAMINATION, 2011
Name: **VIKAS** Roll no. **22015661030**

| Code | Name of post | Code | Name of Post |
|------|--|------|---|
| A | Assistant in CSS +* | M | Sub Inspector in CBI £ |
| B | Assistant in CVC* | N | Inspector of Posts £ |
| C | Assistant in Intelligence Bureau* | O | Divisional Accountant in CAG Office £ |
| D | Assistant in Ministry of Railway* | P | Auditor in CAG Offices |
| E | Assistant (Cypher) in Ministry of External Affairs* | Q | Auditor in CGDA Offices |
| F | Assistant, Ministry of Defence* | R | Auditor in CGA Offices |
| G | Assistant other Ministries /Organisations (Parliamentary Affairs* /Communication & Information Technology* /BPR&D £/Coast Guard £) | S | Junior Accountant / Accountant in CAG Offices |
| | | T | Junior Accountant / |

| | | | |
|---|--|---|---|
| H | Income Tax Inspector* | U | Accountant in CGA Offices Upper Divisional Clerk % |
| I | Inspector (Central Excise)* | V | Tax Assistant in CBDT @% |
| J | Inspector (Preventive Officers)* | W | Tax Assistant in CBEC@% |
| K | Inspector (Examiner)* | X | Statistical Investigator Gr.II £ |
| L | Assistant Enforcement Officer in Directorate of Enforcement* | Y | Compiler Gr.II % |

* : with Grade Pay of Rs.4600/- £ : with Grade Pay of Rs.4200/- : with Grade Pay of Rs.2800/-% : with Grade Pay of Rs.2400/- + : Computer Proficiency Test prescribed @ : Data Entry Skill Test prescribed.

Please indicate Code No. of post in order of preference in the Boxes below:-

(Candidates are advised that they will not be considered for the post for which option has not been exercised. Therefore, it is in their interest to fill in as many options as possible).

Your Preferences for Post P Q R S T U

Codes of States/UTs

| Sl.No. | State/UT | Sl.No. | State/UT |
|--------|-----------------------------------|--------|------------------------------|
| A | Andhra Pradesh | O | Madhya Pradesh |
| B | Arunachal Pradesh | P | Manipur |
| C | Assam | Q | Meghalaya |
| D | Bihar | R | Mizoram |
| E | Chhattisgarh | S | Nagaland |
| F | Delhi | T | Orissa |
| G | Gujarat | U | Punjab, Haryana & Chandigarh |
| H | Goa, Daman & Diu | V | Rajasthan |
| I | Himachal Pradesh | W | Tripura |
| J | Jammu & Kashmir | X | Tamil Nadu & Pudicherry |
| K | Jharkhand | Y | Uttarakhand |
| L | Kerala & Lakshadweep | Z | Uttar Pradesh |
| M | Karnataka | \$ | West Bengal |
| N | Maharashtra, Dadra & Nagar Haveli | # | Andaman & Nicobar |

Your Preference for States/UTs

F U V Z G I Y N H L O A B C D E J
K M P Q R S T W X ö

6.7 As per the instructions issued by SSC, option exercised by the candidates in the application form, broadly for interview posts and non-interview posts, was not to be taken into account, and fresh detailed option for all posts included in the examination was to be taken to provide an

opportunity to the candidates total freedom in choosing the posts in exercising option irrespective whether the posts were interview or non-interview posts. All the candidates declared successful for interview/skill test were required to submit their detailed option for posts in order of their preference in the proforma prescribed and to send the same to the concerned Regional Office on or before 21.10.2011. The facility of online option was also available on the website of SSC from 1.10.2011 to 17.10.2011. Candidates submitting options online or offline must carry a copy of the option duly signed by them and submit the same at the time of interview/skill test. They were also required to carry attestation forms duly filled in triplicate and to submit the same to the representatives of the Regional Office of SSC at the time of interview/skill test.

6.8 The names of candidates qualified in Tier II written examination for all non-interview posts were included in List II of the candidates indicated in the write-up of the declaration of the result of written part of the examination published on 29.9.2011. There was no separate list of qualified candidates for non-interview posts of Auditor in CAG Offices, Auditor in CGDA Offices, Auditor in CGA Offices, Junior Accountant / Accountant in CAG Offices, Junior Accountant / Accountant in CGA Offices, and Upper Divisional Clerk, for which no Data Entry Skill Test was prescribed in the notice of CGLE-2011. Therefore, the candidates qualified for all non-interview posts were issued letters by SSC to present themselves for submission and verification of documents (non-interview posts) / Data

Entry Skill Test for the post of Tax Assistant, as was done in the case of the applicant.

6.9 By the letter dated 4.11.2011, *ibid*, which is reproduced by us in paragraph 6.4 above, the applicant was required to present himself for submission and verification of documents on 26.12.2011. He was also required to submit the detailed option for posts, and duly filled in attestation forms, and to appear in the Data Entry Skill Test on 26.12.2011. Had he not indicated his preference(s) for the post of Tax Assistant in CBEC/Tax Assistant in CBDT, along with other non-interview posts, in the application form, he would not have been called upon to appear for appearing in the Data Entry Skill Test on 26.12.2011. It is not the case of the applicant that he did not indicate his preference(s) for the post of Tax Assistant in CBDT/Tax Assistant in CBEC, along with other non-interview posts, in the application form. It is the admitted case of the applicant that he did not appear in the Data Entry Skill Test on 26.12.2011.

6.10 On a perusal of the detailed options for posts, as reproduced in paragraphs 6.5 and 6.6 above, which were claimed to have been submitted by the applicant physically on 26.12.2011 and online, we have found that the preferences/options indicated by the applicant in the said detailed options were different.

6.10.1 In the detailed option for posts, which is claimed to have been physically submitted by the applicant on 26.12.2011 at the time of verification of documents, he indicated his preferences for posts under

Codes P, R, Q, S, T, U, V, W, H, I, J, K, L, A, B, F, G and N, as 1st to 18th preferences respectively. The Codes V and W stood for the post of Tax Assistant in CBDT, and the post of Tax Assistant in CBEC, respectively. If at all the applicant submitted the detailed option for posts, which included the posts of Tax Assistant in CBDT, and Tax Assistant in CBEC, his plea that he was not required to appear in the Data Entry Skill Test is untenable, because for the said two posts, Data Entry Skill Test was prescribed.

6.10.2 In the other detailed option for posts, which is claimed to have been submitted by the applicant online, he indicated his preferences for posts under Codes P, Q, R, S, T and U, as his 1st to 5th preferences respectively. Even if it is assumed for a moment that the applicant submitted the said detailed option online, as per the instructions issued by SSC, he was required to send a copy of the online detailed option for posts detailed option to SSC and also to submit a copy of the same on 26.12.2011 when he was called upon to present himself for submission and verification of documents and also to appear in the Data Entry Skill Test. It is not the case of the applicant that he sent a copy of the online detailed option for posts to SSC and also submitted a copy of the same at the time of verification of his documents on 26.12.2011. Besides, if the applicant thought that since he did not opt for the post of Tax Assistant in CBEC/Tax Assistant in CBDT, for which Data Entry Skill Test was not prescribed, and he was, therefore, not required to appear in the Data Entry Skill Test on 26.12.2011, he ought to have indicated so in writing and approached the representatives of SSC in the

matter, but he appears not to have done so. Furthermore, it has nowhere been stated by the applicant in his pleadings that at the time of verification of documents, he submitted the attestation forms in triplicate in terms of the letter dated 4.11.2011, *ibid*.

6.11 In the above view of the matter, we have no hesitation in holding that the applicant has not been able to establish his plea that he presented himself, along with the original documents and detailed option for posts, and that the representatives of SSC verified his documents and completed all formalities on 26.12.2011. As already discussed, the applicant has produced copies of two contradictory detailed option forms to mislead the Tribunal. Thus, he cannot be said to have approached the Tribunal with clean hands.

7. It is also the contention of the applicant that since he had indicated his preferences for interview and non-interview posts, respectively placed in Groups A and B, in the application form itself, the respondent-SSC ought to have selected him for non-interview post on the basis of marks scored by him in Tiers I and II of the written examination. As noted by us in paragraph 6 above, a candidate was required to submit a further detailed option for posts within the Group. The preference/option exercised by a candidate in the application form was for the purpose of consideration of his/her candidature for the two Groups of posts, namely, Group A ó interview posts, and Group B ó non-interview posts. That is to say, if a candidate indicated his preferences for posts placed in both Groups A and B,

then his/her candidature was required to be considered for posts placed in both the said Groups on the basis of his/her performance in the written examination. If a candidate indicated his preference/option for posts placed in Group A only, then his/her candidature was required to be considered for posts placed in Group A only on the basis of his/her performance and not for posts placed in Group B. Similarly, if a candidate indicated his/her preference for posts placed in Group B in the application form, then his/her candidature would be considered for posts placed in Group B only on the basis of his/her performance and not for posts placed in Group A. Admittedly, the applicant was included in the list of candidates qualified for all non-interview posts (options P to W), which included the posts of Tax Assistant in CBDT and Tax Assistant in CBEC, on the basis of his performance in the written examination. Therefore, in terms of the notice of CGLE-2011, the applicant was required to submit the detailed option for posts placed in Group B (non-interview posts) at the time of verification of documents and Skill Test, and the applicant having failed to do so, his candidature was rightly not considered further. Thus, we have found no substance in the contention of the applicant that as he had already indicated his preferences for posts placed in Group B in the application form, SSC ought to have considered his candidature and selected him for non-interview post on the basis of his performance in the written examination.

8. The other contention of the applicant is that SSC ought to have granted him another opportunity to submit the detailed option for posts. In

the absence of any provision in the notice of CGLE-2011 enabling SSC to grant further opportunity to any candidate, and the terms and conditions of the notice of CGLE-2011 being sacrosanct and binding on all the candidates and SSC, we have found no substance in the aforesaid contention of the applicant.

9. From the order dated 20.6.2012 (Annexure A/2) issued by SSC, it transpires that the final result for interview and non-interview posts was declared on 30.3.2012. Representations were invited from the candidates regarding discrepancies in their result, if any. SSC received 300 representations from the candidates. After considering such representations, SSC summarily rejected 131 representations, as per List-I indicated in the order dated 20.6.2012, which included the representation of the applicant, vide sl.no.48. SSC rejected the applicant's representation as no documentary evidence for submission of Options was available. We have already considered the respective pleas of the applicant and SSC with regard to the detailed option for posts, submission and verification of documents, submission of attestation forms, and Data Entry Skill Test, and have found that the applicant has failed to establish his plea that he had presented himself for submission and verification of documents, including detailed option for posts, and attestation forms, on 26.12.2011. We have also found that as per the scheme of CGLE-2011, the applicant's candidature could not have been considered further as he did not appear in the Data Entry Skill Test and also failed to comply with other requirements. Therefore, we have

found no substance in the contention of Mr. N.K.Chahar, learned counsel appearing for the applicant, that non-mention of the applicant's absence on 26.12.2011 for the aforesaid purposes as a ground of rejection of his representation in the order dated 20.6.2012 (Annexure A/2) belies the plea taken by the respondent-SSC before this Tribunal.

10. In the light of our above discussions, we have no hesitation in holding that the applicant has not been able to make out a case for the reliefs claimed by him in the O.A., and that the O.A. being devoid of merit is liable to be dismissed.

11. Resultantly, the O.A. is dismissed. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

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