

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

OA No.3566/2017

New Delhi this the 23th day of October, 2017

Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)

Aashish Kumar
Aged about 25 years
Group "C"
S/o Shri Rajiv Kumar
R/o Jamalpur, Distt- Munger (Bihar)
(Candidate towards CGLE-2016) ... Applicant

(By Advocate: Shri Ajesh Luthra)

VERSUS

1. Union of India
Through its Secretary
Department of Personnel & Training
Ministry of Personnel, Public Grievances and Pension
North Block, New Delhi.
2. Staff Selection Commission
Through its Chairman (Head Quarter)
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 504. ... Respondents

O R D E R (Oral)

Hon'ble Mr. Raj Vir Sharma, Member (J):

Heard the learned counsel for the applicant.

2. Shri Ajesh Luthra, learned counsel for the applicant stated that the issue involved in this OA is similar as the one decided in other OAs bearing no.263/2017 **Avinash Chandra Singh & Ors. Vs. Staff Selection Commission** and OA No.391/2017-**Nitesh Kumar Vs. Staff Selection Commission** allowed by the Tribunal on 21.02.2017. He prayed that the

respondents may be directed to examine the case of the applicant in the light of the aforementioned judgments.

3. On going through the facts of the case, we find that issues involved herein are similar as involved in the OAs mentioned above and in OA No.2964/2017 dated 23.10.2017. In the present OA too, the applicant's candidature has been rejected on the ground of not mentioning the "Language" in the answer sheet. Such inadvertent omissions have been held as "non-essential" and not "substantive" by the Tribunal in case of Avinash Chandra Singh & Ors. Observing that :-

"8. Our conclusion is that judicial pronouncements are overwhelmingly in favour of the applicants. The mistakes or lapses committed by them were non-essential and not substantive. Cancellation of their candidature for these minor lapses was unwarranted. Enough material was available with the respondents to evaluate them despite the lapses committed by the applicants. If candidates are rejected on these non-essential grounds then the very objective of conducting the competitive examination, namely, to identify the most meritorious candidates for filling up the available posts would be defeated.

9. We, therefore, find merit in the submissions of the applicants and allow all these OAs. We direct the respondents to process the candidature of the applicants herein in case they are not ineligible for any other reason. No costs."

4. The Hon'ble High Court of Delhi has affirmed this principle in WP (C) No.4829/2017 titled **UOI & Ors. Vs. Sumit Kumar & WP (C) No.5945/2017-Union of India & Ors. Vs. Nitesh Kumar.**

5. We, therefore, direct the respondents, to process the case of the applicant on the basis of our discussions and directions contained in the aforesaid OAs. Needless to say that the result may be declared purely on the basis of the merit of the candidate, if he is not found ineligible for any other reasons. The aforesaid exercise should be completed within a period of three

months from the date of receipt of a certified copy of this order. With these observations, the OA is disposed of, at the admission stage itself. No costs.

(Praveen Mahajan)
Member (A)

(Raj Vir Sharma)
Member (J)

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