

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No-2933/2016  
OA No- 2937/2016 &  
OA No- 2934/2016

Order Reserved on: 30.08.2016  
Order Pronounced on: 01.09.2016

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

**OA No.2933/2016**

Ankit Shukla  
Aged 25 years  
S/o Ajay Shukla  
R/o H. No. 259, Shukla Flour Mill,  
Old Civil Lines, Tanka Para,  
Rajnand Gaon, Chhatisgarh.

-Applicant

(By Advocate: Shri Alok Tripathi with  
Shri Varun Dev Mishra)

**Versus**

1. Agricultural Scientist Recruitment Board  
Indian Council of Agricultural Research  
Through Controller of Examination,  
Krishi Anusandhan Bhawan, Pusa  
New Delhi-110 012
2. Indian Council of Agricultural Research  
Through Director General,  
Krishi Bhavan, Dr. Rajendra Prasad Road,  
New Delhi-110001.

-Respondents

**OA No.2937/2016**

Prerna  
Aged 26 years  
D/o Shri G.S. Tomar  
R/o Flat No. 4, Block E-2,  
Pocket-3, Sector-15,  
Rohini, New Delhi.

-Applicant

(By Advocate: Shri Alok Tripathi with  
Shri Varun Dev Mishra)

### **Versus**

1. Agricultural Scientist Recruitment Board  
 Indian Council of Agricultural Research  
 Through Controller of Examination,  
 Krishi Anusandhan Bhawan, Pusa  
 New Delhi-110 012
2. Indian Council of Agricultural Research  
 Through Director General,  
 Krishi Bhavan, Dr. Rajendra Prasad Road,  
 New Delhi-110001. -Respondents

### **OA No.2934/2016**

Anand, aged 30 years  
 S/o Dharampal  
 R/o H. No. 1051,  
 Sector-46,  
 Faridabad, Haryana. -Applicant

(By Advocate: Shri Alok Tripathi with  
 Shri Varun Dev Mishra)

### **Versus**

1. Agricultural Scientist Recruitment Board  
 Indian Council of Agricultural Research  
 Through Controller of Examination,  
 Krishi Anusandhan Bhawan, Pusa  
 New Delhi-110 012
2. Indian Council of Agricultural Research  
 Through Director General,  
 Krishi Bhavan, Dr. Rajendra Prasad Road,  
 New Delhi-110001. -Respondents

### **ORDER**

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

These three cases were heard on the point of admission together, reserved for orders together, and are, therefore, being disposed of through a common order.

2. The applicants of these OAs had applied for the Open Competitive Examination held for appointments to the posts of Assistants in Pay Band-II in Grade Pay of Rs.4600/- in Indian Council of Agricultural Research (ICAR, in short) Hqrs., New Delhi, and in Grade Pay of Rs.4200/- in various ICAR Research Institutes, for a total of 270 vacancies. The Respondent No.R-1 had conducted that examination in two stages, one Preliminary Examination, followed by the Main Examination, for those who had qualified in the Preliminary Examination. The Respondent No.1 had conducted the objective type Preliminary Examination in the month of January-February 2015. The result of that Preliminary Examination was declared on the official website of Respondent No.R-1 on 01.04.2015, and a total number of 2699, out of 24,468 candidates who had applied, were declared as qualified in the Main Examination, in the ratio of 1:10. Subsequently, on 06.04.2015, the Respondent No.R-1 removed its earlier declared result on the ground that some discrepancies had come to the notice, and then again declared the revised Result on 15.07.2015. In this, a larger number of 8302 candidates out of total 24,468 candidates were declared as qualified for appearing at the Main Examination, which the applicants have assailed as an impermissible ratio of 1:34.

3. However, without any demur or protest, the applicants of these three OAs appeared at the Main Examination conducted thereafter on 18.10.2015, and did not lay a challenge at that point of time, between July 2015 to October, 2015, to the change in criteria, and the

enlargement of the number of candidates for appearing at the Main Examination.

4. Their grievance now is that in the merit list subsequently declared on 27.05.2016, as many as 60 candidates are out of the enlarged list of candidates from 2699 to 8302, who have qualified and have been declared successful, while the applicants, who were in the original earlier list of 2699 have not so qualified and declared successful. They have, therefore, now assailed the actions of the respondents in revising the result first declared on 01.04.2015, and increasing the number of candidates eligible to appear at the Main Examination from 2699 to 8302. The applicants' claim is that if all the 270 vacancies have been filled up out of the 2699 candidates who had been first declared successful in the Preliminary Examination on 01.04.2015, they would have had a better chance of success, as these 60 candidates out of the enlarged list would not then have been selected.

5. We find this contention of the applicants to be unacceptable. The applicants could have challenged the enlargement of the list of eligible candidates to appear at the Main Examination immediately after the second result of the Preliminary Examination had been declared on 15.07.2015, which they did not do. They acquiesced in such second declaration of results, took their chance, and appeared at the Main Examination held on 18.10.2015, and have now only assailed the result

declared on 27.05.2016, only after their having not qualified, and having not been declared successful at the Main Examination.

6. It is trite law, as held in numerous cases, including the following cases, by the Hon'ble Apex Court that once the applicant takes a calculated chance to appear at an examination, without laying any challenge to the Scheme of Examination, later on, just because he has been unsuccessful at the Examination, he cannot challenge the procedure for that examination, after having participated in that examination:-

- “i) **Madan Lal vs. State of J&K: AIR 1995 SC 1088;**
- ii) **Dhananjay Malik & Ors. vs. State of Uttaranchal & Ors.: AIR 2008 SC 1913: (2008) 4 SCC 171;**
- iii) **National Institute of Mental Health & Neuro Sciences vs. Dr. K.Kalyana Raman & Ors. AIR 1992 SC 1806;**
- iv) **Osmania University Represented by its Registrar, Hyderabad, Andhra Pradesh vs. Abdul Rayees Khan: (1997) 3 SCC 124;**
- v) **K.H. Siraj vs. High Court of Kerala & Ors. (2006) 6 SCC 395;**
- vi) **University of Cochin Rep., by its Registrar vs. N. S. Kanjoonjamma and Others, AIR 1997 SC 2083;**
- vii) **K.A. Nagamani vs. Indian Airlines & Ors., (2009) 5 SCC 515;**
- viii) **Amlan Jyoti Borooah vs. State of Assam & Ors., (2009) 3 SCC 227;**
- ix) **Manish Kumar Shashi vs. State of Bihar & Ors. (2010) 12 SCC 576;**
- x) **Chandra Prakash Tiwari & Ors. vs. Shakuntala Shukla & Ors., (2002) 6 SCC 127: 2002 SCC (L&S) 830;**

xi) **Union of India & Another vs. N. Chandrasekharan & Ors.  
(1998) 3 SCC 694.”**

7. In the result, all these three OAs are dismissed in *limine* at the stage of admission itself.

8. Let a copy of this order be placed in each case file.

**(Raj Vir Sharma)**  
**Member (J)**

**(Sudhir Kumar)**  
**Member (A)**

cc.