

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

OA No. 3238/2013

This the 08th day of December, 2015

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

Alok Verma S/o Shri Narender Kumar
r/o 11/89 Nehru Park, Bahadurgarh, Jhajjar,
Haryana-124507. ... Applicant
(By Advocate: Shri Brijesh Oberoi)

Versus

The Secretary
Staff Selection Commission
(Northern Region), Govt. of India
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003. ... Respondent
(By Advocate: Shri S.M.Arif)

ORDER (ORAL)

Per Sudhir Kumar, Member (A):

Heard the case in detail. The short point involved in this OA is as to whether the cut off date for filing of the applications, or even the extended date of the last tier of the examination, i.e. Interview/Skill Test/Computer Proficiency Test/Document Verification, would be valid for possession of the requisite Caste Certificate, or not. The applicant has claimed to have produced the valid certificate for his OBC status. While the applicant has not enclosed the relevant OBC certificate, which he had produced at the time of interview, in the paper book of his O.A., the respondents have pointed out in their counter reply that when he had appeared at the interview, the non-Creamy Layer OBC certificate possessed by him had been issued on 24.07.2008, which was not within

the requirement of the cut off date for reckoning for OBC status of the candidate.

2. According to the respondents, as per Advertisement, the cut off date for submission of the application was 20.04.2012, and the Certificate should have been issued within three years prior to that date.

3. However, in view of the Commission's decision to accept the valid OBC Certificates even upto the closing date of the last tier of the examination, they would have had to accept any valid certificate issued even upto the date of the interview, i.e., till 11.12.2012, in the revised/prescribed format, and thus that certificate should have been issued during the period between 21.04.2009 till 11.12.2012, i.e., three years period before the last date of receipt of the applications and till the date of the Interview.

4. However, since the applicant did not possess such a valid certificate, he approached the authorities concerned after his Interview, and has claimed to have obtained a certificate dated 12.12.2012 through Annexure A-5 issued by the Tehsildar, Bahadurgarh, though that certificate was not in the prescribed format, and was issued after the relaxed date, i.e., the date of interview. He has also produced a certificate in the prescribed proforma at Annexure A-6 dated 17.12.2012, which has not been signed by the competent authority itself, but the same has been endorsed by the Tehsildar, Bahadurgarh, at the bottom of the Certificate, that it was being issued in the prescribed format, on the

basis of the OBC certificate already issued on 12.12.2012, and was signed on 17.12.2012.

5. The candidate had applied in response to the Advertisement in which the process of certification and format of certificates had been laid down specifically in Para 5(C) of the Advertisement as follows:

"5 (C) : PROCESS OF CERTIFICATION AND FORMAT OF CERTIFICATES :-

Candidates who wish to be considered against vacancies reserved/or seek age-relaxation must submit requisite certificate from the competent authority, in the prescribed format when such certificates are sought by concerned Regional/Sub Regional Offices at the time of interview/Skill Test/Document Verification after Tier-II Examination. Otherwise their claim for SC/ST/OBC/ including minority sub-quota/PH/ExS status will not be entertained and their candidature/applications will be considered under **General (UR)** category. The formats of the certificate are annexed. Certificates obtained in any other format will not be accepted. Candidates claiming OBC status may note that certificate on creamy layer status should have been obtained **within three years** before the closing date. The Commission has decided to accept OBC certificate in the prescribed format issued after the closing date but before the **last tier of the examination** i.e. **Interview/Skill Test/Computer Proficiency Test/Document Verification**, as the case may be, as valid proof of belonging to non-creamy layer of OBC.

NOTE: Candidates are warned that they may be permanently debarred from the examinations conducted by the Commission in case they fraudulently claim SC/ST/OBC/OBC+Minority/ExS/PH status."

(Emphasis supplied)

6. Since it is apparent that the applicant did not possess the requisite OBC certificate issued within three years, prior to the last date for submission of forms, or even prior to the relaxed cut off date till the date

of Interview, and the applicant could get an OBC certificate issued in the proper format only five-six days after the date of interview, he certainly did not satisfy the requirement as prescribed in clause 5(C) of the Advertisement, as produced above.

7. Therefore, we find no merit in the present O.A., and the same is dismissed, but there shall be no order as to costs.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/