

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3863/2017

Tuesday, this the 21st day of November 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Bhadoria Chandrabhan
s/o Sh. Umedsingh Bhadoria
r/o Survey No-8, Yashwant Nagar
Behind Sai Temple, Airport Road
Yerwada, Pune-411006

Aged about 29 years
(Candidate toward SCC JE Exam-2015)

..Applicant

(Mr. Amit Verma, Advocate for Ms. Aishwarya Bhati, Advocate)

Versus

1. Union of India through its Secretary
Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pension
North Block, New Delhi
2. Staff Selection Commission
Through its Chairman (Head Quarter)
Block No.12, CGO Complex
Lodhi Road, New Delhi – 110 091

..Respondents

(Mr. Rajinder Nischal, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant applied for the post of Junior Engineer (Mechanical) in response to an Advertisement issued by respondent No.2 for selection on the basis of common examination known as “Junior Engineers (Civil, Mechanical, Electrical, Quantity Surveying & Contract) Examination, 2015”. The applicant was issued roll number and admit card. It was two tier

examinations. The Tier-I examination was conducted on 31.01.2016. The applicant participated in the said examination and on 06.05.2016 the result was notified by the respondents. The applicant claims to have secured higher merit position in Tier-I examination. He was called for Tier-II examination, which was conducted on 24.07.2016. The applicant participated in the said examination pursuant to the issuance of admit card. The Tier-II examination was descriptive nature. It is stated that the applicant has done fairly well in Tier-II examination as well.

2. Respondent No.2 issued notice regarding cut-off fixed in Tier-II examination on 16.12.2016 for purposes of documents verification. The roll number of the applicant did not figure in the said notification. On 02.01.2017, respondent No.2 published the marks statement of the candidates and the applicant has been shown 'rejected'. It is stated that no reasons were specified in the said notification. The candidatures of as many as 1429 candidates were rejected. The representation dated 12.01.2017 was filed by some candidates. Later on, a list of rejected candidates was issued on 25.01.2017. The name of the applicant is at serial No. 1219 of the list. Under the remarks column, 'subject', 'language' has been mentioned against the applicant.

3. The applicant has placed on record the opening page of the answer book as Annexure A-8. Mr. Ajesh Luthra, learned counsel for applicant has drawn our attention to the conditions incorporated therein. Insofar as the subject is concerned, for Tier-II examination, there were three subjects, namely, civil, mechanical & electrical, and a candidate was inquired to tick

one of the three. Similarly, in the medium used for answer, the candidate was required to tick one of the two languages, i.e., English/Hindi.

4. Though counter reply has not been filed, however, from the rejection letter, it appears that the rejection of the applicant was on account of the minor error, i.e., not ticking the subject and language. Some of the aggrieved candidates out of the said rejection list approached this Tribunal by filing O.A. Nos.215/2017, 263/2017 & 391/2017. All these O.As. were decided by this Tribunal by a common order dated 21.02.2017 with the following conclusions/directions:

“8. Thus, 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 than 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.”

5. The aforesaid judgment has been followed in **Manish Meena v. Union of India & another** (O.A. No.903/2017) decided on 20.03.2017 and **Dharamraj Jat & others v. Union of India & another** (O.A. No.952/2017) decided on 22.03.2017.

6. While issuing notices, the respondents were asked to report instructions whether the present case is covered by the aforesaid judgment dated 21.02.2017 passed in O.A. No.215/2017 or not. No counter reply has

been filed and Mr. Rajinder Nischal, learned counsel has expressed his inability to report instructions from the respondents. Under these circumstances, we have examined the aforesaid judgment dated 21.02.2017 and the facts of the present case. In the said judgment, the issue was exactly the same and the said O.As. too arise out of the same examination, and thus the controversy in the present O.A. is squarely covered by the judgment dated 21.02.2017.

7. Accordingly, this O.A. is allowed in terms of the order dated 21.02.2017 passed in O.A. No.215/2017 (supra). The applicant shall be entitled to the same relief.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

November 21, 2017
/sunil/