

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 3870/2017

New Delhi, this the 6th day of November, 2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)

Hon'ble Mr. Uday Kumar Varma, Member (A)

Abhay Kumar Rai, Aged about 26 years,
S/o Sh. Bhirgu Nath Rai,
R/o Quarter No. C11, Area Colony,
PO : Mahuda, Distt: Dhanbad, Jharkhand,
(Group- ' C')
(Candidate toward CGLE-2016) ...Applicant

(By Advocate : Mr. Ajesh Luthra)

Versus

1. Union of India,
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance & Pension,
North Block, New Delhi.
2. Staff Selection Commission,
Through its Chairman (Head Quarter),
Block no. 12, CGO Complex,
Lodhi Road, New Delhi-110091. ...Respondents

O R D E R (O R A L)

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

Briefly stated the facts of the case are that in response to an advertisement issued by the Staff Selection Commission (SSC) to fill various posts by way of Combined Graduate Level Examination, 2016 (CGLE-2016), the applicant applied for the same. He was issued Admit Card and participated in Tier-I Examination conducted from August, 2016 to September, 2016. On 15.11.2016, the respondents issued the marks statement of Tier-I, and, as claimed by the applicant, he obtained high merit

position. A list of qualified candidates was published on 08.11.2016 in which he had also been declared qualified in Tier-I for appearing in Tier-II. Thereafter, he was issued admit cards for Tier-II and Tier-III, which were conducted from November, 2016 to December, 2016. The applicant participated in the same. Thereafter, due to certain reasons, SSC ordered to re-conduct the Tier-II examination on 12.01.2017 and 13.01.2017 respectively. On 02.03.2017, the respondents issued the marks statement of Tier-II. The applicant was called for Tier-III examination, which was conducted on 19.03.2017 in which he participated. Immediately thereafter, the applicant realized that he had inadvertently committed an error by not mentioning his medium and such other particulars in the answer sheet. He made representations dated 20.03.2017 and 31.03.2017 to the respondents for rectification of the errors in answer sheets pertaining to Tier-III examination. The respondents called the applicant for document verification from April, 2017 to May, 2017. On 17.08.2017, the respondents published the marks statement as well as final result in which the applicant had been shown rejected due to error committed by him in the answer sheet. Aggrieved by the same, the applicant had approached this Tribunal seeking the following reliefs:-

“(a) Quash and set aside the impugned action/order of the respondents rejecting the applicant’s candidature reflected in their impugned decision dated 17/08/2017 placed at Annexure A/1 to the extent they relate to the applicants.

(b) Direct the respondents to evaluate the answer sheet of the applicant for Tier-3 and further consider the applicant's case for appointment as per his merit position along with others.

(c) Accord all consequential benefits.

(d) Award costs of the proceedings; and

(e) Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice in favour of the applicant."

2. The applicant states that in an identical O.A No. 263/2017 (Avinash Chandra Singh & Ors. Vs. SSC) with two connected matters, the Tribunal vide their order dated 21.02.2017 had allowed the OAs and directed the respondents to process the candidature of the applicants therein in case they were not found ineligible for any other reason. This decision of the Tribunal has been affirmed by the Hon'ble High Court of Delhi in WP (C) No.6086/2017 vide judgment dated 29.08.2017. In support of his claim, the applicant had further relied upon the following judgments of Hon'ble High Courts as well as CAT:-

(i) Rohit Kumar Vs. UOI & Anr. (CWP No. 13720/2012).

(ii) Anil Kumar Vs. State of Rajasthan & Ors. (CWP No. 657/2012 decided on 02.1.2013.

(iii) Ravindra Malik Vs. SSC & Ors. (OA-2063/2012).

(iv) Arvind Kumar Kajla Vs. UOI & Ors. (OA-1802/2012).

(v) Subhanta Devi Vs. State of Rajasthan (CWP-11269/2011).

(vi) Neeraj Kumar (CWP NO.1004/2012).

3. Learned counsel for the applicant also drew our attention to an order in a similar case i.e., O.A No. 2964/2017

and connected matters decided on 23.10.2017 by a Coordinate Bench of this Tribunal (page No. 94 of the O.A). The relevant portion of the said order reads as under :-

“7. We are, therefore, of the considered view that the claim of the applicants herein is on all fours covered by the ratio of the aforesaid decision of the Tribunal in the case of Avinash Chandra Singh & Ors. (supra) as affirmed by the Hon’ble High Court. Accordingly, this O.A is allowed observing that the mistakes or lapses committed by the applicants 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. The respondents should be conscious of the fact that they are dealing with careers of young candidates. A mechanical or myopic application of instructions has to be avoided at all cost especially when the nonconformity of instructions is clearly procedural only and not pertaining to any allegation of malpractice or unfair means. 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. The respondents are directed to process the candidature of the applicants and declare their result on the basis of pure merit list, if they are 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. No costs.”

4. Having considered the contentions of the learned counsel for the applicant, pleadings available on record as well as the judgments cited by him, we are of the view that controversy involved herein is fully covered by the judgments cited above, particularly the judgment in O.A 2964/2017 (supra). Thus, maintaining the judicial decorum, we allow this O.A also with a direction to process the candidature of the applicant and declare his result on the basis of pure merit list, 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. No costs.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/Mbt/