

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

OA-4019/2010

New Delhi this the 11th day of May, 2017.

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Hariom,
S/o Sh. Jagdish Chander,
R/o Village & Post of Devsar,
Teh. & Distt. Bhiwani,
Haryana-127025.

..... Applicant

(through Sh. R.K. Sharma, Advocate)

Versus

Staff Selection Commission through
Its Chairman,
CGO Complex, Lodhi Road,
New Delhi-110003.

..... Respondents

(through Sh. S.M. Arif, Advocate)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

Brief facts of this case are that the applicant appeared in the Combined Graduate Level Examination, 2010 in the OBC category. He cleared the written examination successfully and was called for interview and document verification on 29.10.2010. He appeared along with the OBC certificate issued by the competent authority on 15.10.2010. This was, however, not accepted by the respondents on the ground that it had been issued after the cut off date mentioned

in the advertisement. The applicant then approached this Tribunal by filing this O.A. On 01.12.2010 when notice was issued to the respondents in this case, as an interim measure, we had directed that any appointment made shall remain subject to the outcome of this O.A.

2. The relief claimed in this O.A. is as follows:-

- “(i) To quash and set aside the impugned orders/action and inaction as mentioned in para-1 of the O.A. and direct the respondent not to require the applicant to produce OBC/Non/Creamy Layer Certificate issued by the competent authority 3 years prior to 02.03.2010 and consider his case under OBC category on the basis of OBC Certificate.
- (ii) To direct the respondents to treat the petitioner/applicant as OBC Candidate for Combined Graduate Level Examination-2010 & declaring non-Consideration of applicant as OBC is illegal, Ultra-virus, null and void, without jurisdiction and authority and automatically ineffective from its inception and non-existence in the eyes of Law being in violation of Article 14 & 16 of the Constitution of India.
- (iii) Any other fit and proper relief may also be granted.
- (iv) To award Costs in favour of the applicant.”

2. The respondents have filed their reply in which they have submitted that the applicant had initially submitted an OBC certificate dated 17.08.2006, which was not within the stipulated 03 years time frame provided in the advertisement. Accordingly, applicant's claim for being treated as an OBC candidate could not have been entertained on the basis of this certificate. Subsequently,

he produced another OBC certificate dated 15.10.2010. However, even this certificate was not accepted as it was issued after cut off date of 02.03.2010. The respondents have submitted that the terms and conditions laid down by the authority conducting the examination apply equally to all candidates and cannot be relaxed for any one. They have relied on the judgment of Hon'ble High Court of Delhi in WP(C) No. 8087/2011 wherein it has been observed that the qualification laid down apply equally to all candidates.

3. We have heard both sides and have perused the material placed on record. Learned counsel for the applicant Sh. R.K. Sharma submitted that this case was squarely covered by a recent judgment of this Bench of the Tribunal in the case of **Ms. Shanti Vs. SSC & Ors.** (OA-1309/2014) dated 09.05.2017 in which case law on the subject has been extensively discussed and relief granted to the applicant therein.

4. On going through the aforesaid judgment, we agree with learned counsel for the applicant that the controversy involved in this case was squarely covered by our aforesaid judgment. Accordingly, the applicant herein also deserves the same benefit.

5. We, therefore, allow this O.A. and direct the respondents to process the candidature of the applicant herein as an OBC candidate. In case, he is found fit for appointment, he shall be

offered the same with consequential benefits of pay fixation and seniority commensurate with his position in the merit list. The entire exercise be completed within a period of 08 weeks from the date of receipt of a certified copy of this order. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/