

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA-3885/2018
MA-4325/2018**

New Delhi, this the 12th day of October, 2018

**Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. A.K. Bishnoi, Member(A)**

Lokesh Kumar,
Age 29 years, Group B (Staff Nurse)
S/o Sh. Kishan Singh,
R/o Village & PO Madapura,
Tehsil Roopwas,
District Bharatpur, Rajasthan. **Applicant**

(By Advocate : Sh. R.K. Kohli)

Versus

Director General of Health Services,
Nirman Bhawan, New Delhi-110001

Also at
Through Administrative Officer,
Lady Harding Medical College,
C-604, Shaheed Bhagat Singh Road,
DIZ Area, Connaught Place,
New Delhi-110001. **Respondent**

ORDER(ORAL)

Hon'ble Sh. V. Ajay Kumar, Member(J)

Heard learned counsel for the applicant.

2. It is submitted that the applicant belongs to Jat community. The Union of India declared the said community as OBC and as the applicant was also fully qualified and eligible for selection and appointment to the post of Staff Nurse, he applied in response to the notification by the respondents under the OBC category. However, during the pendency of the selection process, the Hon'ble Apex Court quashed the notification of the Union of India under which Jat community was declared a community under the OBC category. Thereafter, the respondents vide the impugned Annexure A/1 dated 23.09.2017 cancelled the candidature of the applicant, stating that his OBC certificate was invalid.

3. Learned counsel for the applicant further submits that the caste certificate of the applicant was declared invalid by virtue of the Hon'ble Supreme Court's decision and not because of any misrepresentation or fraud played by the applicant. The respondents ought to have treated the applicant as a General category candidate and considered his case as per the marks secured by him in the selection process in the category of general candidates. The applicant secured more marks than the last selected candidate under General category and in spite of the same, the respondents have not considered the candidature of the applicant for selection. The representation made by the applicant vide Annexure A/8 dated 24.08.2018 remains unanswered by the respondents. It is further submitted that still there are certain vacancies that have to be filled up out of the said notification.

4. In the circumstances, the OA is disposed of at the admission stage itself without going into the merits of the case by directing the respondents to consider the Annexure A/8 and A/9 representations of the applicant and pass appropriate reasoned and speaking order thereon within thirty days from the date of receipt of a certified copy of this order. No costs.

MA No. 4328/2018 also stands disposed of.

Let a copy of the OA, be enclosed to this order.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/