

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1420/2014

Reserved on 28.08.2018
Pronounced on 04.09.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

Sh. Jaivender Singh
S/o Sh. Ambika Singh
R/o H.No. 1294-A, Gali No. 25-B,
Swatantra Nagar, Narela,
Delhi-110040 Age-26 ... Applicant

(By Advocate: Mr. R.K.Shukla)

VERSUS

1. Staff Selection Commission
Through its Chairman
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003
2. The Regional Director
Staff Selection Commission
Northern Region
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110003. Respondents

(By Advocate: Mr.S.M.Arif)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

Heard Shri R.K.Shukla, counsel for applicant and Shri S.M.Arif, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the, OA, the applicant has prayed for the following reliefs:

- "(a) Direct the respondents to accept the OBC Certificate submitted by the applicant through speed post on 23.04.2014 condoning the seven days time which took place to get caste certificate (OBC) as there was no gap to take step on the part of the applicant.
- (b) To direct the respondents to consider the candidature of the applicant for the post of Engineering Assistant & Technician under OBC Quota and in case he makes the grade under OBC Quota, he may be offered the post of Engineering Assistant & Technician in Prasar Bharti.
- (c) Any other relief which this Hon'ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant."

3. The relevant facts of the case that the applicant was a candidate in the Combined Recruitment of Engineering Assistant and Technician in Prasar Bharati Examination, 2013 issued by the Prasar Bharati. After successfully completing the written test, he was called for the interview. As per the Notification calling for application, it was specifically stated that the originals will be sought only at the time of interview of only short listed candidates and in case if any information or claim at the time of interview is not found substantiated at the time of interview/verification of the document, the candidature would be cancelled and that in no circumstances any additional time would be given in case they do not substantiate their claim by submitting all the original documents at the time of interview/documents verification.

The relevant information is extracted below:

"General Information"

8. In view of the large number of applications, scrutiny of the eligibility & other aspects will not be undertaken before issuing call letters for written test or before calling for document verification. The candidates are, therefore, advised to go through the requirements of educational qualifications, age etc. & satisfy themselves that they are eligible, before applying for any particular post. **Copies of supporting documents along with originals will be sought only for verification of documents for short listed candidates.** Candidature will be cancelled if any information or claim is not found substantiated at the time of verification of documents.
9. If a candidate is unable to produce all the original documents due to whatsoever reason at the time of interview/document verification, his candidature would be rejected. Under no circumstances additional time would be provided. Thus, only those candidates are advised to apply who can produce all the relevant documents in original at the time of verification."
4. The applicant was called for the interview/documents verification on 17.04.2014. But, however, at that time he could not submit OBC Certificate. Hence, he was not considered in the final selection as OBC candidate. The case of the applicant is that he has submitted the OBC Certificate issued on 23.04.2014. The counsel for the applicant vehemently submitted that only after 7 days of the date of interview/documents verification, he had secured and submitted the OBC Certificate, as such he should have been considered as OBC candidate in the final selection. In support of his claim, the counsel for the applicant has relied on the law laid down by the Hon'ble Supreme Court in the case of **Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board & Anr** (Civil Appeal No. 1691 of 2016).
5. The respondents in their counter affidavit have stated that as per the relevant OM of DOP&T OM dated 08.09.1993, the OBC Certificate once issued is valid for only three years. In the case of the applicant to

consider his claim as OBC candidate, his OBC certificate should have been issued before 17.04.2014 and three years before that date. In view of the said OM, the OBC Certificate issued on 23.04.2014 is not acceptable. The relevant averments made by the respondents are reproduced below:

"3. That the date of birth of the applicant is 09.01.1988. It is submitted that the applicant must be having the OBC Certificate issued in his name in the proforma prescribed Central Govt. within the period 23.04.2010 till the date of interview. It is submitted that on the prescribed date of interview on 17.04.2014, the applicant submitted the OBC certificate issued by the State Govt. of Delhi.

Since, he was unable to submit the same as per proforma for Central Govt., within the stipulated time, he was not considered for final selection as OBC Candidate.

4. That subsequently, he submitted the OBC Certificate issued on 23.04.2014, which was not in the prescribed time limit i.e. upto 17.04.2014. He was not considered for final selection as OBC Candidate.

5. That it is humbly submitted as under:-

a) As per DOPT OM dated 08.09.201993, reservation shall not apply to persons/sections mentioned in Col (3) of the Schedule to this Office Memorandum. As per Para VI (a) of Schedule to the OM dated 08.09.1993, persons having gross annual income of Rupees 01 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years are not eligible for the benefits of age relaxation/reservation.

b) In the OM dated 09.03.2004 enhancing the ceiling for creamy layer, it is clearly mentioned that such persons should not come under creamy layer for the last three consecutive years.

c) In the light of the above, it is specifically mentioned in the Notice of Examination that the OBC certificate should have been issued within three years i.e. within 23.03.2010 till the date of interview."

6. In view of the above facts, the rejection of the candidature of the applicant for considering him in OBC Category in the final selection cannot be interfered with. The law laid down by the Hon'ble Supreme Court in the case of Ram Kumar Gijroya (supra) referred to by the counsel for the applicant is not applicable in the facts of this case. Consequently, the OA is devoid of merit.

7. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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