

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

TA No.35/2015
Writ Petition (C) No.5318/2015

Reserved on 24.07.2018
Pronounced on 27.07.2018

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

Sh. Nitin Kumar Bhardwaj,
S/o Shri H.C.Bhardwaj,
R/11-46, Karampura,
New Delhi-110015. Applicant

(By Advocate: Shri Raman Aggarwal)

VERSUS

The Director,
Staff Selection Commission,
Block 12, 5th Floor,
CGO Complex, Lodhi Road,
New Delhi-110004. Respondent

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

O R D E R

Mr.S.N. Terdal, Member (J)

Heard Shri Raman Aggarwal, counsel for the applicant and Shri S.M.Arif, counsel for the respondent, perused the pleadings and all the documents produced by both the parties.

2. The relevant facts of the case are that the applicant appeared in SSC-CGL, 2014 Tier-1 examination. In the results declared on 05.03.2015, the name of the applicant was not finding place. On 08.03.2015, the applicant filed RTI application, to which on 4.04.2015 he received reply by which he came to know that he had scored 103.25 marks. On 6.04.2015, the applicant informed the respondents about the marks scored by him. The respondents realised that the applicant is entitled to be declared passed in Tier-1, and entitled to appear in Tier-II examination. The Tier-II examination was scheduled

on 11.04.2015 and 12.04.2015. As per the averment of the respondents in their counter affidavit, they tried to contact the applicant about informing him to appear for Tier-II Examination by telephonic communication as well as SMS message. The relevant portion of the averments are extracted below:-i

"It is mentioned that declaration of Revised Result is to be conveyed to the applicant immediately and hence, it is humbly submitted that NR Office of the SSC immediately on receiving the revised result of the applicant from SSC (HQ) at about 7 PM on 10.04.2015, swang into action and tried its best to contact the applicant on phone so as to inform him about his revised result as well as to convey intimation regarding his admit card for appearing in Tier II Examination to be held on 12-04-2015 (in support of this copy of his admit card is enclosed herewith as Annexure-CA-1). It is further submitted that a number of calls were made to the applicant from the official phone of SSC (NR), but he did not pick up his Mobile phone. At last at about 8PM on 10.04.2015, he responded to the call and replied that since he was not in Delhi, therefore, he will not be able to attend the Examination.

Next day i.e. on 11.04.2015 by the instruction of SSC (NR) office, SMS Message was also made by the Data Processor of the SSC to the applicant at 11.10AM. thereby intimating him that "As per your representation your Admission Certificate has been prepared and forwarded to your Examination venue."

3. The counsel for the applicant in his rejoinder to the said counter affidavit has stated that he received the message only at 1.13 PM on 11.04.2015, as such he could not appear for the exam. The relevant portion of his averment is extracted below:

"It is further submitted that NR Office of SSC did not immediately informed applicant about his revised result and admit card for appearing in Tier-II examination to be held on 11.04.2015 and 12.04.2015, it was only on 11.04.2015 at 1:13 PM a message was sent to the applicant, which is overlooked and a email was sent at 1:15PM, which the applicant checked at about 5.30PM on the same day, but unfortunately the Tier-II Examination was over by that time."

Because of the above said communication gap, the applicant did not appear for Tier-II examination.

4. Be that as it may, though the applicant because of the above said communication gap could not appear for Tier-II examination of 2014, however, it is submitted by the counsel for the respondent that the said examination is held every year. The applicant could have appeared in the subsequent examination. Even, as on today it is stated at the Bar that the applicant is 28 years of age and the upper age limit for appearing for such examination is 30 years. As such, at this stage the relief prayed for by the applicant has become infructuous. Accordingly, OA is dismissed as having become infructuous. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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