

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.NO. 060/00955/2018 Date of order:- 13.8.2018

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

Angelic daughter of Sh. Varinder Pal, House NO.21697, Street No.10,
Power House Road, Bathinda-151 001, Punjab.

.....Applicant.

(By Advocate :-Mr. Anoop Singla, for Mr. Jatinderpal Singh)

Versus

1. Union of India through its Secretary, Ministry of Information & Technology, 421, Sanchar Bhavan, 20 Ashoka Road, New Delhi-110 001.
2. Bharat Sanchar Nigam Ltd.((a Government of India Undertaking) through its Managing Director, CTS Compound, Africa Ave, Netaji Nagar, New Delhi, Delhi-110 023.
3. The Assistant General Manager(Rectt-1) Bharat Sanchar Nigam Ltd. (A Government of India Undertaking) CTSA Compound, Africa Ave, Netaji Nagar, New Delhi, Delhi-110 023.
4. Assistant Director (HRD) HRD Section, Office of the Chief General Manager, Telecom, BSNL, Punjab Circle, Plot NO.2, Sanchar Sadan, Sector 34-A, Chandigarh-160022.

...Respondents

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

Applicant has impugned the order dated 20.2.2018 (Annexure A-11) passed by respondent no.4, whereby her claim for appointment to the post of Junior Telecom Officer (CTO) in pursuance of advertisement dated 6.3.2017 has been rejected.

2. Heard Shri Anoop Singla, learned counsel for the applicant.

3. Learned counsel for the applicant argues that the impugned order rejecting her claim is bad in law. However, he admitted this fact that the applicant did not possess the requisite qualification as laid down in the advertisement dated 6.3.2017 (page 39 of the paper book) under the heading of "eligibility". But, learned counsel for the applicant submitted that before the selection was finalized, the applicant acquired the qualification on 23.6.2017, therefore, he submitted that a direction be issued to the respondents to consider her eligible.

4. We have gone through the pleadings available on record. We are afraid that applicant has any case because clause 3.2 of the advertisement makes it clear that the applicant must possess the educational qualifications of BE/B.Tech. or equivalent, whereas the applicant acquired the qualification only on 23.6.2017 i.e. much after the closing date of application form i.e. on 6.4.2017. The issue of validity of application of a candidate, who did not have prescribed essential qualification as on the cut-off date, was examined in great detail by the Hon'ble Supreme Court in a number of cases including **Rekha Chaturvedi vs. University of Rajasthan & Ors**, 1993 Supp.(3) SCC 168. It has been held that any applicant who did not have the essential educational qualification by the prescribed date would not be eligible for selection. Hon'ble Supreme Court in the said case has held as under :-

"10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference

to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus, swelling the number of applications. But a still worse consequence may follow, in that, it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/ notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny for the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the selection committee in the present case, as argued by Sh.Manoj Swarup took into consideration the requisite qualification as on the date of selection rather than on the last date of preferring application, it acted with patent illegality, and on this ground itself, the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this court in A.P. Public Service Commission, Hyderabad Vs.B.Sarat Chandra and District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram Vs. M.Tripura Sundari Devi.”.

5. Accordingly, we find no reason to interfere with the impugned order and the OA being found bereft of any merit is dismissed in limine.

(SANJEEV KAUSHIK)
MEMBER (J)

(P.GOPINATH)
MEMBER (A).

Dated:- August 13, 2018.

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