

Reserved
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : INDORE

Original Application No.201/00438/2014

Indore, this Friday, the 15th day of December, 2017

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Ravi Sharma
S/o Ganesh Sharma Suthar (O.B.C.)
Age-19 years Occu. Nil
R/o 171, 172 Mehnot Nagar,
Neemach M.P. PIN 458441
Mob.7697646522 E-Mail
Ganeshsharma340@gmail.c

-Applicant

(By Advocate –**Shri K.C. Raikwar**)

V e r s u s

1. The Secretary,
Department of Automic
Energy Nuclear
Anushakti Bhavan,
Chaterpatti Shivaji
Maharaj Marg
Mumbai (MS) PIN 400001

2. The Administrative Officer (R)
Department of Nuclear Fuel Complex
Hyderabad (AP) PIN 500062

-Respondents

(By Advocate –**Shri Kshitij Vyas**)

(Date of reserving the order: 13.12.2017)

ORDER**By Navin Tandon, AM.**

The applicant has filed this Original Application against the rejection of his on-line application for the post of Chemical Plant Operator.

2. This Original Application was dismissed on 11.01.2016 for non-prosecution. Subsequently, MA No.201/00747/2016 was filed for its restoration which was allowed on 13.09.2017 by restoring this Original Application to its original position.

3. The brief case of the applicant is that on-line applications were invited for various posts by the respondents in Nuclear Fuel Complex, Hyderabad vide advertisement No.NFC/01/2014 published in Employment News dated 22.03.2014 (Annexure A-2). The applicant has applied for the post of Category-II Trainees, Chemical Plant Operation (312). The respondents have wrongly considered the educational qualification of the applicant and hence his name was not included in the list the eligible candidates. Hence, this Original Application.

4. The applicant has prayed for the following reliefs:-

“8.A That order dated 13.06.2014 (Annexure A-1) may kindly be quashed and the applicant may kindly be declared eligible for the post of Chemical Plant Operator and may kindly be allowed to appear in examination held for the said post in due course.

8.B That examination to be held on 25.06.2014 at Hyerabad and Vijayvada for the post of Chemical Plant Operator may kindly be stayed, and fresh examination be held to enable the applicant to attend the said examination in due course.

8.C That any other relief which this Hon'ble Tribunal may deem fit, may kindly be granted in favour of the applicant.

8.D The cost if this application be ordered in favour of applicant and grant of non-applicant.”

5. The applicant has contended that as per advertisement No.NFC/01/2014 (Annexure A-2), the educational qualification for the post of Category-II Trainees, Chemical Plant Operator (312) is that SSC/HSC with a minimum of 60% marks with science and Mathematics + ITI/NCVT Certificate in the trade of not less than two years duration. (OR) (XII Std./Intermediate with Physics, Chemistry and Mathematics) with a minimum of 60% marks. In spite of having requisite qualification, the respondents have sent E-mail on 13.06.2014 (Annexure A-1) stating that “your ssc marks was below 60%. So you are not

eligible.” The applicant vide E-mail dated 17.06.2014 has clarified that he has applied for the said post not on the basis of SSC/HSC with a minimum of 60% marks with science and Mathematics + ITI/NCVT Certificate in the trade of not less than two years duration but on the basis of (XII Std./Intermediate with Physics, Chemistry and Mathematics) with a minimum of 60% marks. It seems that there was some mistake in data entered in computer and respondents have not corrected their mistake in spite of several e-mail and telephonic calls on help desk number made on 18.06.2014, 19.06.2014 and 20.06.2014. Hence, the mistake committed by the respondents is apparent on the fact of record, which needs to be quashed.

6. Learned counsel for the respondents has contended that the advertisement issued by the Nuclear Fuel Complex for various posts invited online applications. The process of receiving online application, screening, conducting online examination and result has been outsourced to a third party. As per software programme developed by the agency, only those candidates having equal to 60% or more both in SSC and XII Standard/Intermediate were screened in. Accordingly, candidates were shortlisted after computer based screening and

were called for online examination scheduled on 25.06.2014. Once the mistake was noticed by the Nuclear Fuel Complex authorities, the matter was reviewed and action was taken to rectify the lapse and further recruitment process for the post of Category-II Trainee, Chemical Plant Operator (312) was kept in abeyance. Thereafter it was decided to give equal opportunity to all candidates who possessed minimum marks of 60% in XII Standard/Intermediate irrespective of marks scored in X standard/SSC. Online examination was conducted on 17.08.2014 to all these left out candidates. A notice in this regard was placed on the website www.nfcruitment.in and SMS were sent to all eligible candidates including the applicant, to visit the above website, download their call letter and appear for online examination. The applicant had received the SMS on 30.07.2014 at 17:27:09 in his mobile No.7697646522 (Annexure R-II) and also e-mail. The applicant had also downloaded the call letter. In spite of this, the applicant had failed to appear while all other eligible candidates appeared on 17.08.2014 (Annexure R-III). Hence this Original Application deserves to be dismissed.

7. We have heard the learned counsel for the parties and perused the documents of the Original Application and reply of the learned counsel for the respondents. Learned counsel for the applicant has not filed any rejoinder to rebut the points raised in the reply of the respondents.

8. It is true that there was apparent error on the face of the respondents which has been rectified by giving equal opportunity to all candidates who possessed minimum marks of 60% in XII Standard/Intermediate irrespective of marks scored in X standard/SSC. The respondent-department has again conducted online examination on 17.08.2014 for all those candidates who were left out due to software programme prepared by outsourced agency. In this regard, a notice was also placed on the website www.nfcrecruitment.in and SMS were sent to all eligible candidates including the applicant, to visit the above website, download their call letter and appear for online examination. The applicant had received the SMS on 30.07.2014 at 17:27:09 in his mobile No.7697646522 (Annexure R-II) also e-mail. The applicant had also downloaded the call letter. In spite of this, the applicant had not appeared in the said examination while all other eligible

candidates appeared on 17.08.2014 (Annexure R-III). The applicant has not filed any rejoinder to rebut the contention of the respondents. Hence, the reply of the respondents is accepted. Therefore, there is no merit in this case and deserves to be dismissed.

9. Accordingly, this Original Application is dismissed being devoid of any merits. No costs.

**(Ramesh Singh Thakur)
Judicial Member
Member**

kc/-

**(Navin Tandon)
Administrative**