

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00018/2018

DATED THIS THE 02ND DAY OF NOVEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

Sri S. Seenivel Raj
S/o K. Selva Raj,
Aged about 37 years,
Working as Junior Laboratory Assistant
Central Pollution Control Board,
Nisarga Bhavan, 1st and 2nd Floor,
7th D Cross, Thimmaiah Main Road,
Shivanagara, Bengaluru – 560 079

.....Applicant

(By Advocate Shri K. Srinivasa)

Vs.

1. The Union of India
Represented by
The Secretary,
Ministry of Environment, Forest &
Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi – 110 003

2. Senior Administrative Officer
(Recruitment)
Central Pollution Control Board,
Parivesh Bhawan,
East Arjun Nagar, Shahdara,
New Delhi – 110 032

3. The Regional Director,
Central Pollution Control Board,
Nisarga Bhavan, 1st and 2nd Floor,
7th D Cross, Thimmaiah Main Road,
Shivanagara, Bengaluru – 560 079

4. Neeraj Kumar
S/o not known to the applicant
C/o Senior Administrative Officer
(Recruitment)
Central Pollution Control Board,
Parivesh Bhawan,
East Arjun Nagar, Shahdara,
New Delhi – 110 032.

5. Rashmi Mittal,
Junior Scientific Assistant,
Central Pollution Control Board,
Parivesh Bhawan,
East Arjun Nagar, Shahdara,
New Delhi – 110 032

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel for Respondent No. 1,
M/s Paanchajanya Associates, Counsel for Respondent No. 2 & 3 and
Shri Basavanna K.M., Counsel for Respondent No. 5)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard both counsels in great detail. The crux of the issue is that, when a career enhancement examination was conducted, in the question paper there was a typographical error in mentioning A,B,C,D as A,B,B,C or A,B,C,C. Apparently this was found out in time and half an hour before examination this was informed to all the parties. However, apparently in the OMR sheet this was correctly reckoned and therefore it is the case of the respondents that by this no prejudice would have been caused to anybody. Basically the case of the applicant seems to be that “the hearing handicapped cannot be given oral instructions as stated by the respondents in their objections.” Therefore we queried the learned counsel for the applicant as to whether the applicant is hearing impaired. Apparently his fingers are crooked and that is the disability and therefore he has no problem with hearing, therefore, he had already heard

what had been said by the respondents and therefore by no stretch of imagination can it be said that applicant was prejudiced by this mistake and this mistake was not reported in the OMR sheet also and he had given a wrong answer. Therefore there is no merit in the application.

2. The OA is dismissed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00018/2018

Annexure A-1: Copy of the selection list dated 17.07.2017

Annexure A-2: Copy of the photograph of applicant's disability

Annexure A-3: Copy of the physically handicapped certificate

Annexure A-4: Copy of the notification dated 16-22 July 2016

Annexure A-5: Copy of the admission ticket issued by the 2nd respondent dated 19.05.2017

Annexure A-6: Copy of the question paper and OMR sheet

Annexure A-7: Copy of the key answer sheets issued by 2nd respondent

Annexure A-8: Copy of the representation dated 26.10.2017

Annexure A-9: Copy of the memorandum dated 07.11.2017

Annexure A-10: Copy of the representation dated 16.11.2017

Annexure A-11: Copy of the representation dated 05.12.2017

Annexures with reply statement of Respondent No. 2&3

Annexure R-1: Copy of the memorandum dated 05.01.2018

Annexure R-2: Copy of the complaint dated 01.10.2017

Annexure R-3: Copy of the order dated 04.04.2018

Annexure R-4: Copy of the consent to work in existing place dated 19.03.2018

Annexures with reply statement of Respondent No. 1

Annexure R-1: Copy of the extract of Rule 10 of 'The Water (Prevention and Control of Pollution) Act, 1974

Annexure R-2: Copy of the extract of Chapter III of 'The Water (Prevention and Control of Pollution) Act, 1974

Annexure R-3: Copy of Ministry of Environment and Forests notification dated 24.01.1995

Annexures with reply statement of Respondent No. 5

Annexure R-1: Copy of the notification in Advt. No 01/2016-Admn (R)

Annexure R-2: Copy of the admission ticket issued by Respondent No. 2 dated 19.05.2017

Annexure R-3: Copy of the letter dated 17.07.2017 for document verification

Annexure R-4: Copy of the appointment order dated 21.07.2017

Annexure R-5: Copy of the service certificate dated 12.06.2018

Annexure R-6: Copy of the office order for maternity leave Dated 12.06.2018

Annexure R-7: Copy of the Central Pollution Control Board final seniority list as on 01.01.2018

Annexures with rejoinder

Annexure A-12: Copy of the extract of NCERT text book VIII Standard Chapter 6

Annexure A-13: Copy of the extract of NCERT text book VII standard Chapter 5
