

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 01.05.2019

Reserved on : 11.04.2019

OA No. 060/01136/2017

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

Gaurav Choudhary, aged 28 years, S/o Mahendra Kumar Choudhary
r/o 89-D RCF Colony Kapurthala-144602.

.....Applicant

BY ADVOCATE: **Sh. Sanjeev Manrai, Sr. Adv. Along with Sh.
Ajay Singh Parmar**

Versus

1. Director, Postgraduate Institute of Medical Education and Research, Sector 12, Chandigarh.
2. Senior Administrative Officer, Human Resources PGI Chandigarh.
3. Administrative Officer, Recruitment Cell, PGI Chandigarh.

.....Respondents

BY ADVOCATE: **Sh. Sanjay Goyal**

ORDER

MRS. P. GOPINATH, MEMBER(A):-

1. The respondents have issued an advertisement for filling up 39 posts of Sanitary Attendants Grade III. The applicant had applied in response to the above advertisement. Written exam was conducted on 16.10.2016. Applicant submits that he was not informed regarding result of the written examination. The Select List was displayed on the website on 18.05.2017 and written marks were displayed on 30.05.2017. Applicant visited the website on a prior date, 22.10.2016, and could not

find any declaration of result. Applicant argues that no intimation of selection was given to the applicant. He had obtained 55 marks and the last selected candidate in unreserved quota has secured 52.75 marks. Applicant having secured more marks has not been made an offer of appointment.

2. The prayer of the applicant is for setting aside the selection of Sanitary Attendants Grade III as persons lower in merit than the applicant have been given appointment. The second prayer of the applicant is for being given appointment on the post of Sanitary Attendant Grade III in view of higher marks secured by him.

3. The respondents in the written statement submit that recruitment is made by following due procedure of law, policy/guidelines framed for the recruitment process. On the basis of the written exam, candidates equal to three times the number of vacancies are shortlisted. The Government of India have dispensed with the process of interview for selection to the post advertised, and hence, there was no interview to be conducted for this post.

4. The respondents submit that in the advertisement, there were certain instructions which apparently the applicant appears to have overlooked. The respondents draw attention to para 'C' of the advertisement relating to selection procedure wherein for Group 'B' and Group 'C' posts, it has been stated that on the basis of written examination, candidates three times of the vacancies advertised will be short listed. The candidates will be required to apply afresh in a given format alongwith all the certificates/documents/testimonials etc. Based

on these documents supplied by the candidates, the scrutiny of the applications will be done which would be based on the recruitment rules in respect of educational qualification, age relaxation and other notified criteria. A merit list of the candidates who are found eligible on the above basis, will be prepared along with a waiting list thereof, from amongst the shortlisted candidates, based on marks obtained by the candidates in the written examination. The minimum qualifying marks will be 40% for General and 35% for SC/ST and OBC category. As the Govt. of India has dispensed with the holding of interview for Group 'B' and Group 'C' posts (non-gazetted), there will be no interview for these posts and the candidates will be selected on the basis of merit in the written examination only.

5. Heard the counsel for applicant and respondents and perused the written submissions made. Attention is drawn to the advertisement to para 'D' of the advertisement under head "**How to Apply**" wherein the following has been stated:-

Online Mode:-

(relevant only reproduced)

1. xxxxxxxxxxxxxxxx
2. All eligible candidates should apply online before the last date for registration of application form on the website.
3. xxxxxxxxxxxxxxxx
4. Candidates are required to have a valid personal email ID which should be kept active during the recruitment process. The candidates should ensure that the email ID is not shared or disclosed to anybody. In case, a candidate does not have a valid personal email ID, he/she should create his/her new email ID before applying online.
5. xxxxxxxxxxxxxxxx
6. xxxxxxxxxxxxxxxx
7. xxxxxxxxxxxxxxxx
8. xxxxxxxxxxxxxxxx

9. xxxxxxxxxxxxxxxxx
10. xxxxxxxxxxxxxxxxx
11. Candidates with valid application shall be issued call letters and admit card. These can be downloaded by the candidates directly from the PGI website www.pgimer.edu.in by entering their Registration Number/Application Number, Date of Birth, Call letters will not be sent by post. This facility would be available on PGI Website 15 days before the actual date of examination.
12. xxxxxxxxxxxxxxxxx

The above instructions clearly indicate that the applicant was required to have an email ID and was also required to regularly visit the PGIMER website to obtain information about the recruitment/ selection to the post and selection procedure. The written exam result was displayed on the Institutional website on 22.10.2016. However, the applicant did not visit the website and submit his application as per format given in result notice. No candidate for the recruitment was informed through e mail or SMS and hence, applicant's demand for this mode of intimation is asking for a different treatment , something which the respondents have not made available to any qualified candidates. Candidates were required to constantly keep an eye and access the website for the result of the written exam. The applicant failed to do so and hence, cannot blame the respondents for his laxity of not seeing the result on website and not applying afresh alongwith documents as required thereunder.

6. This is not a case where the applicant was not advised on how the recruitment was proposed to be made. The applicant was required to visit the website regularly and when the result was declared, he had to submit an application alongwith all relevant documents/certificates. Applicant, having failed to do so, missed his result

declaration and submission of further application, alongwith relevant documents/certificates.

7. The respondents argue that they have followed the procedure as detailed in the advertisement. In Part "C of the Selection Procedure", it has been clearly cited that on the basis of the written examination, candidates, three times of the vacancies advertised will be shortlisted. It was further stated that the candidates would be required to file afresh on a given format alongwith certificates/documents and testimonials etc. Based on the submission of these documents, a scrutiny of the applications will be made, based on the recruitment rules, educational qualifications, recruitment rules, age relaxation and other criteria as notified.

8. The marks secured by the candidates, for the purpose of confidentiality, are not made available to the recruitment cell which is a separate and independent cell. No applicant was informed individually about the result of the written examination. Hence applicant cannot seek a different treatment. As per the advertisement, following the success in the written examination, the applicants were required to access the website regularly for the result information and submit offline applications. The applicant having failed to access the website, did not submit his application as per format indicated in the notice of the written examination result. No intimation was given to any candidate through email or sms and the result was only declared in the institutional website as per procedure indicated. Applicant's demand for a differential treatment is not acceptable. The applicant having failed to access the website on a

regular basis has paid the cost of non-application and subsequent non-appointment.

9. The respondents also state that all the other candidates saw the result notice, followed instructions, and submitted application in time. The result notice was uploaded on 22.10.2016 on the website. Appointments have been made on the basis of the marks obtained in the written examination from among those shortlisted candidates who applied following the written examination along with documents. If any person fails to apply it would be taken as lack of interest in pursuing the recruitment process. The applicant having failed to follow the instructions was not considered in the selection process. In the advertisement for the post, it has been clearly stated that the shortlisted candidates in the written examination will have to apply afresh to be considered for appointment.

10. The applicant argues that he could have been informed about selection through mobile phone or email. The email, according to the respondents, is required only for certain activities like applying online, for deposit of fees, and certain other procedures at the stage of initial application for the post. Call letters and admit cards were to be downloaded from the website. It is nowhere mentioned that information relating to the written result will be provided through mobile phone or email. Hence, the applicant's expectation for being informed through email or mobile is also not supported by any instruction on the matter in the advertisement.

11. The respondents also place on record Annexure R-1, a detailed official order wherein the recruitment process has been outlined.

In response to an RTI information sought by the applicant, placed on record as Annexure R-4, the respondents had informed the applicant that the result was displayed on the website of the institute on 22.10.2016. We place reliance on this statement as all other written exams qualified candidates had accessed the website, applied as directed with documents and have also been appointed to the advertised posts. The respondents in the recruitment notice, had clearly laid down the procedure and instructions to be followed by all persons who apply for the post. The applicant having failed to access the website on a regular basis to ascertain the declaration of result, had failed to notice the declaration of result. He had also failed to make the submission of application form with relevant documents which was necessary to complete his eligibility assessment, post examination. This would not give the candidate any right to be treated differently from all other shortlisted candidates, who had followed the above instructions for the exam as notified, and have been made offer of appointment accordingly.

12. During arguments, it was informed that the recruitment process is complete and the selected persons have already joined. Therefore, nothing survives in the present OA. This OA, being devoid of merit, is dismissed accordingly. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:
ND*

