

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.16/2019

Dated Friday, the 04th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

M. Shri Krishna,
S/o. Madivanane, No.39, 1st Floor,
Ponnambala Mudaliyar Street,
Muthialpet, Puducherry 605 003.

...Applicant

By Advocate M/s D.Veerasekaran

Vs.

1.The Director,
Jawaharlal Institute of Post-Graduate
Medical Education & Research, Puducherry

2.The Deputy Director,
Jawaharlal Institute of Post-Graduate
Medical Education & Research, Puducherry

3.Mr.R.S.Prasanth, Shanthi Bhavan,
Vavara Ambalam, Pothencode Post,
Thiruvananthapuram, Kerala.

...Respondents

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to provisionally selected candidates for the post of Data Processing Assistant Grade B (252018) under UR (Un-Reserved) category on the file of the respondents No.1 & 2 dated 21.12.2018 and quash the same as for as the respondent No.3 in serial No.3, Roll No.1200855 is concerned and further direct the respondents No.1 and No.2 to declare and select the applicant in the place of the 3rd respondent as provisionally selected candidate list for the post of Data Processing Assistant Grade B (252018) under UR (Un-Reserved) category and thus render justice.”

2. It is submitted that the applicant had applied for the post of Data Processing Assistant Grade B in the respondent institute in response to their employment notification dated 03.09.2018. The number of posts available for Unreserved category was three and the selection was to be based solely on the performance in the written examination. The applicant fulfilled all the eligibility conditions and applied for the post. He participated in the written examination and emerged successful with total marks of 208 and a percentile of 99.2042. He was assigned the third rank in his category. Accordingly he expected to be granted appointment on one of the three posts. However, the respondents have issued Annexure A-13 list of provisionally selected candidates in which the name of the 3rd respondent is shown at No.3 and the applicant's name is omitted.

3. Learned counsel for the applicant would submit that the applicant had secured 208 marks whereas the third respondent had secured 205 marks only. As such the applicant had a higher claim on the third Unreserved post. No explanation whatsoever has been given for overlooking his claim in favour of the 4th ranker on the Unreserved merit list. Accordingly, the applicant seeks an appropriate intervention from the Tribunal.

4. We have considered the matter at the admission stage. It appears from Annexure A-11 provisionally short listed candidates for the post of Data Processing Assistant Grade B that the applicant was indeed placed at No.3 of the Unreserved list with total marks of 208 and his rank was indicated as 3. The provisional list of selected candidates at Annexure A-13 is silent on why the applicant's claim was overlooked. As we do not have adequate material before us to see if such omission of his name was justified, we are of the view that this OA could be disposed of with permission to the applicant to make a representation to the 1st respondent on the lines of the pleadings in this OA within a period of one week from today. On receipt of such representation, the respondents shall duly consider the same and pass a reasoned and speaking order explaining why the applicant's claim was overlooked while drawing up the list of provisionally selected candidates for the post of Data Processing Assistant Grade B, within a period of one month thereafter. No appointment order

shall be issued in favour of the third respondent herein till such disposal of the applicant's representation.

5. OA is disposed of at the admission stage.

(P.MADHAVAN)
MEMBER(J)

04.01.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.