

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00784/15**

Reserved on: 27.03.2019

Pronounced on: 29.03.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Manish Chandra Roy, Son of Sri Manohar Lal Resident of Mohalla - Mewa  
Kutir, Sabzibagh, PS - Pirbahore, District- Patna.

.... Applicant.

By Advocate: - Mr. Shekhar Singh

-Versus-

1. The Union of India through Director General, Sports Authority of India, Jawaharlal Nehru Stadium Complex (East Gate) Lodhi Road, New Delhi.
2. The Secretary, Sports Authority of India, Jawaharlal Nehru Stadium Complex (East Gate) Lodhi Road, New Delhi.
3. The Director, Coaching and Personnel, Sports Authority of India, Jawaharlal Nehru Stadium Complex (East Gate) Lodhi Road, New Delhi.
4. The In-Charge, Sports Authority of India, Training Centre, Swarn Jayanti Khel Chatrawas, Moinul Haque Stadium, Patna- 800016.
5. Mr. Balagopal B. Taekwondo Coach, Sports Authority of India, Lakshmibai National College of Physical Education, Kariavattom, Thiruvananthapuram, Kerala- 695581.
6. Mr. Suman Kumar Kollasety, Taekwondo Coach, Sports Authority of India, Special Area Game Centre, Mission Vengthlang, Aizawal, Mizoram- 796001.

.... Respondents.

By Advocate: - Mrs. P.R. Laxmi

**O R D E R**

**Per Dinesh Sharma, A.M:-** The case of the applicant is that he applied for the post of Coach Grade-III (later named as Assistant Coach) under Sports Authority of India (SAI in short) in various disciplines, including

Taekwondo following an advertisement published in the Employment News dated 30-05 August, 2011. Under clause 5 (a) (ii) of the aforesaid notification relaxation of age limit was available to those candidates who were not regular employee of SAI but had been engaged on contract basis and it was stipulated that age relaxation would be provided for the entire period of engagement on contract basis in SAI plus three years. Under various other sub clauses under the same clause 5, candidates belonging to SC/ST and other backward classes (even those who are not engaged on contract basis) were made eligible for age relaxation ranging from 3 to 5 years, and in some cases up to 10 years (for SC/ST candidates serving as government employees, for physically challenged candidates and for departmental candidates). The applicant was called for interview/field test and the final results were declared in January, 2014. The applicant's name figured at sl. No. 3 amongst the waiting list of OBC candidates. No marks was disclosed to the applicant at that time. However, after repeated requests made under RTI he came to know that he had secured 39.9 marks on the basis of the written test and the interview. A further follow up has revealed to him that persons such as respondents no. 5 and 6 have got lesser marks than him. Though belonging to Unreserved category they have been selected while the applicant has been left out. The merit list for Taekwondo category has been annexed at Annexure A/7 of the OA which shows the applicant at no. 25 while respondents no. 5 and 6 are respectively at no. 26 and 33 in the same list. The applicant has challenged this selection and prayed for directing the respondent authorities to appoint the applicant

on the post of Assistant Coach (Taekwondo) in SAI w.e.f. the date others have been appointed, in view of the fact that those candidates are having lesser marks than the applicant. Though the applicant had also requested for interim relief for keeping the appointment of respondent no. 6 in abeyance and to keep one post of Assistant Coach Taekwondo vacant, no order was issued on this request and it was not pressed further. Notices were issued to the private respondents no. 5 and 6 on 14.10.2015. However, no one appeared on behalf of these private respondents.

2. A Written Statement was filed on behalf of official respondents in which they have denied the claim of the applicant. According to them, the applicant was given age relaxation of three years in the OBC category and another for years for the contractual service he has rendered in the SAI. Therefore, his candidature was placed in the waiting list of OBC category as per marks secured by him in the written examination and interview. The private respondents got themselves offered the post in place of another two candidates (Mrs. Kalpana Kamal belonging to SC category and Shri Atul Pangotra belonging to General category), since these two candidates did not join/resigned after joining. Their resultant vacancies were offered to candidates in the general list and did not go to the applicant since having availed the age relaxation on account of being in the OBC category he was put in the waiting list against OBC category.

3. The applicant filed a rejoinder in which he reiterated his earlier submissions. He also questioned the logic behind not considering his case against the resultant vacancies on ground of his having been given age

relaxation in OBC category. The applicant deserved age relaxation both on ground of his having worked on contract basis and thus was qualified for age relaxation irrespective of whether he belonged to the General or the OBC category.

4. We have gone through the pleadings and heard the arguments made by counsels for both the parties. It is an accepted fact that the applicant secured more marks than the two candidates (private respondents) who were appointed on the vacancies which happened due to non- joining/ subsequent resignation of other two candidates. The only reason that was mentioned at the time of arguments by the learned counsel for the respondents was that the applicant had been given the benefit of age relaxation on ground of his being an OBC candidate and that is why he could not be considered against any other vacancy. This is prima facie illogical since age relaxation and marks in the merit list are unconnected. It is all the more irrelevant since it is not denied by anyone that the applicant was even otherwise qualified for age relaxation (in fact greater age relaxation, if he was not considered as an OBC candidate). Any vacancy which occurred should have gone either to a candidate belonging to the same category (in which such vacancy arose) or, in the absence of any candidate available in that category, to any person who secured the next highest marks in the combined merit list. By that logic the claim of the applicant is definitely superior to respondents no. 5 and 6. They are not only not belonging to reserved category they have also secured lesser marks than the applicant.

5. In this situation, we find full justification for granting the prayer of the applicant and direct the respondents to offer him appointment as Assistant Coach Taekwondo in pursuance to the notification published by the SAI in Employment News dated 08-14 September, 2012. In case there is no vacancy for this post available now they should create a post by creating a supernumerary post or by removing any temporary/casual junior most staff that may be occupying such post. However, since the applicant has not worked in that capacity so far it will not be desirable to have him appointed w.e.f. a past date as prayed for by him.

6. Since none of the private respondents have appeared and also since their appointment cannot, prima facie, be considered a result of their fault, we are not passing any order with respect to their status with the SAI. However, the SAI will be free to take appropriate action if any evidence of wilful wrongdoing is detected on the part of anyone. The OA is disposed of accordingly. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**