

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.1442 of 2016

Orders reserved on : 22.01.2019

Orders pronounced on : 07.02.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Sudhir Rana
Roll No.148875
Recruit Constable (Ex.) in Delhi Police-2013
Aged about 23 years
s/o Sh. Rajvir Rana
r/o 417/09, Jasbir Colony,
Near Chand Ram Diary,
Distt: Rohtak, Haryana.

....Applicant

(By Advocate : Shri Anil Singal)

VERSUS

1. Govt. of NCT of Delhi
Through Commissioner of Police,
Police Head Quarters,
IP Estate, New Delhi.
2. Deputy Commissioner of Police,
Recruitment Cell, New Police Lines,
Kingsway Camp, Delhi.

.....Respondents

(By Advocate : Shri Amit Anand)

O R D E R

Ms. Nita Chowdhury, Member (A):

By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant is seeking the following reliefs:-

- “1. To direct the respondents to grant the applicant one bonus mark for having NCC ‘C’ Certificate for the post of Ct. (Ex.) in the Recruitment-2013 in

which he stands qualified and appoint him to the post of Ct. (Ex.) with all consequential benefits.

2. To award costs in favor of the applicant and pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case.”

2. Brief facts of the case are that a notification to fill up 523 (UR-262, OBC-142, SC-79 & ST-40) vacancies for the post of Constable (Exe.) Male in Delhi Police was published in the leading newspaper dated 27.1.2013 as well as Employment News dated 26th January – 1st February, 2013 and information about recruitment process for the said post was also uploaded on internet through Delhi Police website.

2.1 In response to the said advertisement, applicant had also applied for the said post under the general category. He was put through Physical Endurance and Measurement Test and declared qualified for written examination against Roll No.148875. However, according to the applicant, he has marked as 'Yes' in relation to NCC 'C' certificate in the application form and also produced his NCC 'C' certificate at the time of document verification. However, the name of the applicant did not mention when the final revised list of selected candidates under 'UR Category' was declared on 22.2.2016 though he secured 79.77922038 marks in written test and has also got one bonus mark for height and is also entitled to get one bonus mark for having NCC 'C' certificate

and thus making his total to 81.77922038 marks whereas the marks obtained by the last candidate selected for the said post in UR category is 81.08549745 marks in the Recruitment-2013.

2.2 The applicant submitted an RTI application asking for his marks obtained by him in the said recruitment as to whether he was given one bonus mark for height and one bonus mark for having NCC 'C' certificate. The respondents gave their reply to the same vide letter dated 4.3.2016 that he was given one bonus mark for height. However, he was not given one bonus mark for having NCC 'C' certificate. Thereafter he approached the office of the respondents requesting that as per information, he has qualified under 'UR category' as he secured total 81.77922038 marks, if he is given one bonus mark for having NCC 'C' certificate whereas last selected candidate under the said category is having 81.08549745 marks. But respondents have not considered his case for grant of one bonus mark for having NCC 'C' certificate.

2.3 In the aforesaid circumstances, the applicant has no other alternative efficacies remedy except to approach this Tribunal for redressal of his grievance.

3. The respondents have also filed their reply in which they have stated that the applicant did not produce the NCC

‘C’ certificate at the time of his PE&MT dated 17.10.2013 before the Document Checking Team as per the instructions contained in the advertisement. After completion of process, a final result was declared on 22.2.2016. The applicant had secured only 80.77922038 marks (79.77922038 in written exam + 01 mark for height) and failed to make the grade in the final merit list of General category due to less marks as the minimum qualifying marks (cut off) of General Category was came to 81.08549745. Thereafter, he obtained some information under RTI regarding 01 mark given to him against NCC ‘C’ certificate. In response to the said application, suitable reply was given to him vide Memo dated 4.3.2016 stating therein that one bonus mark for height was given to him but no bonus mark for NCC certificate was given to him, as he has not produced a copy of NCC ‘C’ certificate during PEM&T held on 17.10.2013 before “Document Checking Team” as per the instructions contained in the advertisement.

4. We have heard learned counsel for the parties and perused the material placed on record.

5. Counsel for the applicant submitted that applicant has secured total 79.77922038 marks in written and he has been granted one bonus mark for height and is also entitled to get one bonus mark for having NCC ‘C’ certificate, which makes

his total marks as 81.77922038 marks and thus he is liable to be appointed when the last selected candidate under UR category vacancies is having 81.08549745 marks. He further submitted that applicant had submitted his NCC 'C' certificate when the same was asked for. Therefore, the applicant ought to have been given one bonus mark for having NCC 'C' certificate while preparing the revised final merit list.

6. Counsel for the respondents during the course of hearing drawn out attention to Annexure R-2, which is relevant document relating to verification of the documents of the candidates, and submitted that there was a column 'NCC 'C' Certificate any (Y/N) but there is no mention against the applicant's about the fact that he has produced the said NCC 'C' certificate during the said document verification. He further submitted that since the applicant has not produced the said NCC 'C' certificate during the documents verification, as such he was rightly not awarded any mark for the same and the action of the respondents is supported by the instructions contained in Point No.09 in the advertisement published in the employment news that "All the original documents/certificates pertaining to age, education, caste, driving licence, hill areas, NOC/discharge certificate (in case of Ex-Serviceman), sports certificate etc. would be checked at the time of bio-metric of all the candidates declared

successful in the PE&MT. The candidates will also be required to submit attested photo copies of all the documents/certificates. He further submitted that applicant did not produce his NCC 'C' certificate at the time of his PE&MT and as per the attendance-cum-result sheet of PE&MT dated 17.10.2013 (Annexure R-2), it is clear that he failed to produce the same before the said authority. He further submitted that there is no provision existed to consider such cases of those candidates who failed to produce the required documents to the Document Checking Team at the time of their PE&MT. As such the action of the respondent is legal and justified.

7. After having regard to the contentions of the learned counsel for the parties, this Court observes that although the applicant has annexed his NCC 'C' certificate with the OA but he has not been able to show by any documentary evidence that the said document was actually submitted by him before the Document Checking Team at the relevant time, which is evident from the attendance-cum-result sheet of PE&MT dated 17.10.2013 (Annexure R/2). As such this Court does not find any infirmity in the decision of the respondents while not awarding the mark of NCC 'C' certificate to him. In this case, the applicant has not raised any malafide in the action of the respondents but merely alleging that the said NCC 'C'

certificate was submitted by him during verification of the documents but the same is not supported by any evidence.

8. In view of the above facts and circumstances of this case, we do not find any merit in the contentions of the learned counsel for the applicant and the present OA is dismissed being devoid of merit. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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