

**Central Administrative Tribunal
Principal Bench**

OA No.2426/2013

New Delhi, this the 16th day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Sunil Pooja,
Recruit Data Entry Operator,
Aged about 22 Years,
D/o Sh. Raj Pal,
R/o Vill: Goad,
PO: Krishan Nagar,
Tehsil : Narnaul,
Mahendergarh, Haryana.

...Applicant
(By advocate : Shri Anil Singal)

Versus

Staff Selection Commission,
Through its Chairman,
C.G.O. Complex, Lodhi Road,
New Delhi-110003.

...Respondent
(By Advocate : Shri S.M.Arif)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The respondent herein, issued notification in the year 2012, inviting applications for selection of

candidates to the post of Data Entry Operator (for short, DEO). Reservation was provided in favour of OBC candidates. The selection process consisted of written examination and skill test.

2. The applicant submitted her application, claiming the status of OBC. A copy of certificate dated 08.06.2009 was submitted. It appears that in the written test she was successful and at the stage of verification of the testimonials, an objection was raised for the OBC certificate dated 08.06.2009. The respondents indicated that it is only a certificate which is obtained within three years preceding the date of notification, that can be accepted. The applicant felt aggrieved by that and challenged the very result that was declared by the respondent on 22.05.2013.

3. The applicant contends that the certificate held by her was valid, and there was no basis for the respondents to insist on a certificate issued at a later point of time. Apart from challenging the result, the

applicant prayed for a direction to the respondents to consider her case under OBC category for the post of DEO.

4. The respondents filed counter affidavit, opposing the OA. It is stated that according to the practice in vogue, a candidate has to submit a certificate that was issued at any time preceding three years of the closing date of receipt of applications, and for the convenience of the candidates, the date was extended up to 17.03.2013. It is mentioned that a certificate issued between 02.08.2009 and 17.03.2013, was required and the applicant did not comply with the same.

5. We heard Shri Anil Singal, learned counsel for applicant and Shri S.M. Arif, learned counsel for respondents.

6. The respondents processed the candidature of the applicant and permitted her to appear in the skill test also. At the last leg of the selection, the verification of

certificate became necessary. In the notification dated 14.07.2012, it was made amply clear that certificate which is obtained within a period of not less than three years preceding the closing date of receipt of the application, must be filed. This is necessary in the context of extending the benefit of relaxation of age and other aspects.

7. The applicant, however, filed only a certificate which is dated 08.06.2009. Though it is stated by the applicant that she was in possession of the certificate dated 07.12.2012, there is no mention of the same in the OA. If in fact, the applicant had that certificate with her, there was no occasion to file the OA at all. The respondents provided ample opportunity to the applicant, but she did not avail the same.

8. Reliance is placed upon the judgment of Hon'ble Supreme Court in ***Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board & Anr.*** Civil Appeal No.1691 of 2016. Whatever may be the

relevance of the preposition laid therein, vis-a-vis SC/ST candidates, it is very much necessary that the certificate should be of recent period, in the context of OBC candidates. It would be not only from the point of view of the social status of the applicant, but also in the context of his being within or outside the creamy layer. In any case, the selection is of the year 2012 and we are in the year 2019.

9. We do not find any merit in the OA and the same is accordingly, dismissed.

There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

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