

**Central Administrative Tribunal
Principal Bench**

**RA No.149/2019
In OA No.3863/2017
MA No.2036/2019**

New Delhi, this the 02nd day of August, 2019

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

Staff Selection Commission

...Applicants

(By Advocate: Shri A.K. Sharma)

Vs

Bhadoria Chandrabhan

...Respondents

ORDER(ORAL)

Justice L. Narasimha Reddy:

The RA and MA are in relation to O.A. No.3863/2017. For the sake of convenience, we refer to the parties, as arrayed in this O.A.

MA No.2036/2019

2. The applicant filed OA No.3863/2017 complaining about his non selection to the post of Junior Engineer(Mechanical) for which the selection was undertaken by the applicants herein i.e. Staff Selection Commission. The OA was allowed on 21.11.2017. The

respondents in the OA filed a Review Petition No.149/2019. Since there is delay of 380 days, they filed MA No.2036/2019.

3. Notice in the MA was issued on 05.07.2019. On 27.07.2019, a letter was submitted stated to be on behalf of the respondents to the effect that the Tribunal may dispose of the Application and pass appropriate orders.

4. We heard Shri A.K. Sharma, learned counsel for the respondents in the OA.

5. The delay is stated to be on account of the processing of the file at various stages. Having regard to the reasons mentioned in the MA, we are satisfied to condone the delay. The MA is accordingly allowed.

RA No.149/2019

6. The applicant filed the OA feeling aggrieved by the denial of selection as Junior Engineer(Mechanical). The process involved in conducting of examination at two stages. He was successful in Tier-I examination but was not declared successful in Tier-II examination. At a later stage, the applicant was informed that he is not

being declared successful in Tire II examination on account of the fact that he did not indicate the subject and language as required in the question paper. The Tribunal took note of an order passed in OA No.215/2017, and allowed the OA.

7. What we notice from the order and the entire record is that the Tier-II examination was conducted for three services, namely Civil, Mechanical and Electrical and a candidate was required to tick the examination, which he intends to take. Similarly, the examination was conducted in English and Hindi. A candidate is required to indicate the medium of his choice. For the reason best known to him the applicant did not indicate either the choice of the subject or of the language. It would be just impossible for any examiner to treat such performance of a candidate as valid, particularly when there is stiff competition and thousands of candidates appear in the examination. Further, the Order in the OA No.3863/2017 appears to have been passed before the selection process was complete. Added to that, the OA was disposed of without waiting for filing of the counter affidavit.

8. We are of the view that the Order in the OA needs to be reviewed. Accordingly, we allow RA No.149/2019 and review the Order dated 21.11.2017.

9. For the reasons mentioned above, we also dismiss the OA No.3863/2017.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/