

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No 72/2014

New Delhi this the 7th day of August, 2018

**Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. A.K.Bishnoi, Member (A)**

Bijender Sharma
S/o Shri Satya Pal Sharma,
R/o D-96A, Ganga Vihar,
Delhi-110094.

... Applicant

(By Advocate: Mr. Vishnu Sharma)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary,
Delhi Administration, Near ITO,
New Delhi.
2. The Commissioner of Police,
Police Headquarters,
ITO, New Delhi
2. Ministry of Home Affairs,
Union of India,
Through its Secretary
New Delhi. ... Respondents

(By Advocate: Mr. Vijay Pandita)

O R D E R (ORAL)

Hon'ble Mr. S.N. Terdal, Member (J):

We have heard Mr. Vishnu Sharma, counsel for applicant and Mr. Vijay Pandita, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:
 - "a) Direct the respondents to consider the applicant at par and to appoint the applicant as Sub-Inspector in Delhi Police.
 - b) Pass such other further order(s) as this Hon'ble Tribunal may deem fit and proper on the facts and circumstances of the present case."

3. The relevant facts of the case are that the applicant applied for the post of Sub Inspector (Executive) - Male in response to the advertisement issued by the respondents in 2009. He was Constable in Delhi Police. He had applied against the departmental general category quota. At the time of hearing, the counsel for the applicant admitted that he was given certain relaxations as per the terms and conditions of the advertisement for applying as departmental general category candidate. He qualified in Physical Endurance and Measurement Test and in the written test held on 15.05.2010 he had secured 159 marks, whereas the minimum cut-off marks for departmental general category was 163 marks, as such he was not selected. The case of the applicant is that though he had applied under the departmental general category, but, however, as he had secured more marks than the minimum cut-off marks for open category candidate which was 155 marks. On these grounds, the counsel for the applicant vehemently and strenuously submitted that the applicant should have been selected in the open category quota instead of rejecting his selection considering only under departmental general category quota. In support of his contention, he relied upon the judgment of Hon'ble Delhi High Court dated 22.05.2013 passed in Writ Petition (C) No. 5520/2012.

4. The respondents have filed reply affidavit. In the reply affidavit, they have specifically stated that the applicant had applied under departmental general category and he had secured less than cut off marks meant for departmental general category. The relevant portion of the averments is extracted below:-

"Sh. Bijender Sharma (herein after call the applicant) S/o Sh. Satya Pal Sharma R/o D/96A, Ganga Vihar, Delhi-110094, applicant of the above said OA, who is serving as a Constable (Exe.) in Delhi Police, had applied for the post of SI (Exe.) Male in Delhi Police during the

recruitment held in the year 2009 (Phase-II) against Departmental Genl. Category. The applicant of O.A on having been qualified in the Physical Endurance & Measurement Tests was issued Roll No.624783 for appearing in the Written Test and he had appeared in the written test on 15.05.2010. He has scored 159 marks in written test. The minimum cut-off marks of Deptt. Genl. Category is 163 and the applicant of OA has scored 159 marks. Hence, he has not been selected."

The counsel for the respondents rightly submitted that in view of the facts being clear, the judgment cited by the counsel for the applicant is not applicable to the facts of the present case.

5. In view of the facts and circumstances narrated above, we are of the view that the applicant is not entitled for the relief. Accordingly, OA is dismissed. No order as to costs.

(A.K.Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

'sk'

.....