

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2327 OF 2003

New Delhi, this the 22nd day of September, 2003

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Kaushlendra Kumar
S/o Late Sh. Surender Pal
R/o Qtr. No.H-3, Police Station,
Lodhi Colony, New Delhi-110003.

....Applicant

(By Advocate : Shri Chandra Shekhar)

Versus .

1. Delhi Police
Through
Commissioner of Police,
Police of Headquarters,
I.P. Estate, New Delhi.
2. ACP/HQ(P),
Office of the Commissioner of Police
New Delhi.
3. Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

The respondents had invited applications for the posts of Constable (Driver). The advertisement appeared in the Employment News paper of 2-8/2/2002. The applicant applied for the post of Constable (Driver) in the prescribed format. The written test was conducted and, according to the applicant, he was declared successful. He has not been appointed and his application has been rejected holding that there is no provision for relaxing the educational qualification to any category and that the applicant was not a Matriculate on the date when he applied for the post. The said order reads:-

"With reference to your applications dated nil, submitted to this Hdqrs, on

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26.06.2003, on the above subject, I am directed to state that your request has been considered in this Hdqrs, but it is regretted that the same could not be acceded to as there is no provision for relaxation in educational qualification to any category including the ward of police personnel in the Rules/Standing Order to the post of Constable (Driver) in Delhi Police."

2. Learned counsel for the applicant very fairly told us that on the date when the applicant applied, he had not cleared all the papers of the Matriculation Examination. He had cleared the same subsequently some time in June, 2002.

3. The fact remains that when the applicant applied for the post and when the advertisement appeared, he was not matriculate and, therefore, his candidature on that account was rightly rejected. On that account, we do not find any fault in the order.

4. At this stage, learned counsel for the applicant states that he may be permitted to approach the department for relaxation of educational qualification, if permissible under the rules.

5. To this, we, for the present, are not expressing ourselves. The applicant, if so advised, may approach the concerned department on that account.

6. The present OA is disposed of.

U. Upadhyaya
(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

V.S. Aggarwal
(V.S. AGGARWAL)
CHAIRMAN

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