

**Central Administrative Tribunal
Madras Bench**

OA/310/00476/2013

Dated the 24th day of October Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.Velmurugan
S/o Ranganathan,
No.31, Mariamman Koil Street,
Periapet, Villianur,
Puducherry 605 110.
By Advocate **M/s.S.Sathia Chandran**

.. Applicant

Vs.

1. Union Territory of Puducherry,
rep. by its Secretary to Govt.,
Home Department (Fire Service),
Chief Secretariat,
Puducherry 605 001.
2. The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.
3. R.Anandaraj,
Hall Ticket No.10427,
Fireman,
O/o The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.
4. A.Santhosh Kumar,
Hall Ticket No.11229,
Fireman,
O/o The Divisional Fire Officer,

Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.

5. K.Katherasan,
Hall Ticket No.10654,
Fireman,
O/o The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.
6. K.Rajesh,
Hall Ticket No.10833,
Fireman,
O/o The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.
7. Sathi Pragash,
Hall Ticket No.11260,
Fireman,
O/o The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.
8. P.Prabhakaran,
Hall Ticket No.10156,
Fireman,
O/o The Divisional Fire Officer,
Fire Service Department,
No.34, Canteen Street,
Puducherry 605 001.

.. Respondents

By Advocate **Mr.R.Syed Mustafa**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief:-

“Calling for the entire records connected with the notification No.Nil dated 28.12.2012 and quash the same; and consequently

Direct the 1st respondent to consider the candidature of the applicant for the post of Fireman under the Scheduled Caste Category and pass appropriate orders selecting him for the said post, based on his representation dated 12.12.2012.”

2. The case of the applicant is that the respondents in this case had issued a notification to the selection of Fireman in the Fire Service Department, Puducherry coming under Group-D Non-Gazetted and Non-Ministerial and the applicant belongs to Adi-dravidar Community and had applied for the said post. The selection for the post was through Physical Efficiency Test and on the basis of written examination conducted by the respondents. The applicant had received a call letter for Physical Efficiency Test on December 2007 and he got qualified in the said test. Thereafter, the competitive examination was held in the year 2008. The questions were of objective type and the candidates were given a copy of the OMR sheet for verification of marks for themselves. According to the applicant, as per the answer key, he had verified the OMR sheet and he is entitled to get 42 marks out of 100. The 1st respondent had published a list on 29.10.2012 category-wise and region-wise. As per the said list, the cut off mark for SC candidates was 42 and one K.Ravichandiran was the last person selected in the select-list. According to the applicant, on

verification, he found that out of the 6 candidates provisionally selected, only 3 candidates were finally selected. As such, there are 3 posts lying vacant under SC category. According to him, since he belongs to SC category and having scored 42 marks, the respondents could have given appointment to him in any one of the post reserved for SC candidates. As such, he made a representation on 12.12.12 to the 1st respondent. However, while he was waiting for a reply, the 1st respondent had issued a notification on 28.12.12 modifying the selection-list dated 29.10.12. They have selected a new set of candidates i.e. Respondents 3 to 9 by the said notification. The reasons stated by the respondents are not convincing. So, the applicant seeks the aforesaid relief.

3. The respondents entered appearance and filed a detailed reply statement denying the averments in the OA. According to the respondents, they had issued a notification for 52 vacant posts of Fireman and they have published a select-list on 28.10.12. The entire selection process was conducted in a transparent manner and the copy of OMR sheets were given to the candidates for verification of marks. Some of the candidates, after the publication of result came up with complaints regarding the correctness of the marks shown in the select-list and the Recruitment Committee had considered the matter and decided to revalue the answer sheet. The entire answer sheets were re-evaluated and a new select-list was prepared and published on 28.12.12. As per the modified selection-list published on 28.12.12, the SC category's cut off mark for Puducherry region was 50 marks. The applicant got only 42 marks and he is not at all eligible for selection in the examination. So, he could not get any

appointment to the post of Fireman. So, according to the respondents, there is no merit in the OA.

4. Both sides were heard and we have perused the pleadings and records produced by both sides. The main contention put forward by the applicant is that the respondents had cancelled the earlier select-list and issued a fresh select-list which is against the service rules. According to the applicant, he belongs to the SC category and as per the first select-list, the last person appointed in the SC category was having only 42 marks. He had also scored 42 marks in the examination. Since 3 vacancies exists the respondents could have selected him to the post.

5. On a perusal of the pleadings and submissions made from both sides, we understand that there had occurred some complaints regarding the marks given in the examination and the respondents had re-evaluated the examination sheets and published the fresh select-list on 28.12.12. As per the said select-list, the last mark scored by SC candidate was 50 marks i.e. much above the marks scored by the applicant. Here, on going through the records, it can be seen that the respondents had immediately referred the matter for revaluation on getting complaints, and the revaluation was conducted by a Committee appointed by the respondents. There is no reason to doubt the bonafides of the Selection Committee in this case. There is no allegation of fraud or collusion in the OA. The select-list can be cancelled or modified by the respondents if any defect is found out immediately after publication of the result. Earlier a similar case has come up before this Tribunal as OA Nos.268, 269, 270 & 271 of 2013 where some of the selected candidates in the SC category in

the same examination had filed the OAs seeking a stay against their termination, since the respondents had modified the select-list. The said OAs were dismissed by this Tribunal with a finding that the re-evaluation was conducted in a proper manner and the defects has been rectified and the applicant in the said OAs were not meritorious in the examination. The applicants in the above said OAs filed WP 30847/2014 and the Hon'ble High Court has also confirmed the finding of the Tribunal and dismissed the claim made by the applicants therein. The contention of the applicants in that case is also similar to the arguments raised by the counsel for the applicant in this case. The applicant had not come up on merits and there is no merit in the OA.

6. In view of the above, we find that the applicant has failed to make out a case in his favour. The applicant is not meritorious and he has not been selected as he scored only 42 marks. Hence, we find that the OA is liable to be dismissed. Accordingly OA is dismissed. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

24.10.2019

/G/

Annexures referred to by the applicant in OA No.310/00476/2013:

Annexure A1: Notification of the 2nd respondent in No.1953/DFO/F1/2007 dt.Nil.

Annexure A2: Birth Certificate of the applicant dt. 25.8.1994.

Annexure A3: H.S.C. Mark statement of the applicant dt. 31.5.2000.

Annexure A4: Caste Certificate of the applicant dt. 05.6.02.

Annexure A5: Provisional Certificate of the applicant dt. 16.9.05.

Annexure A6: Answer booklet of the applicant dt.Nil.

Annexure A7: Marks obtained by the applicant dt. Nil.

Annexure A8: Notification No.1953/Home/PPT.III/2011-Vol.II issued by the 1st respondent dt. 29.10.12.

Annexure A9: Representation made by the applicant in-person to the 1st respondent dt. 12.12.12.

Annexure A10: Impugned Notification dt. 28.12.12.

Annexures with reply statement:

Annexure R1: Recruitment Notification dt. 1.11.07.

Annexure R2: Copy of the minutes of the Recruitment Committee dt. 29.10.12.

Annexure R3: Selection Notification dt. 29.10.12.

Annexure R4: Copy of the minutes of the Review Meeting of Recruitment Committee dt. 28.12.12.

Annexure R5: Modified Selection Notification dt. 28.12.12.

Annexure R6: Marks obtained by the applicant dt. Nil.

