

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

OFFICE OF SECRETARY
No. 3879/Secy/Per/PA/16
Received on 25 OCT 2016
Despatched on OCT 2016

OA No.1429/2012

Dated Wednesday the 31st of August, Two Thousand Sixteen

PRESENT

HON'BLE MR JUSTICE A.ARUMUGHASWAMY, Member (J),
&
HON'BLE DR P.PRABAKARAN, Member(A)

K.Sivayogapriya,
13-A, 1st Cross, Krishna Nagar,
Pondicherry.

---Applicant

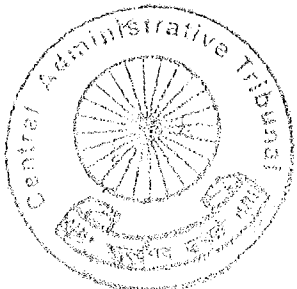
By Advocate M/s V.Ajayakumar

Vs

- 1.Union of India, rep., by the
Govt of Pondicherry through the
Secretary to Government for Department
of Personal & Administrative Reforms,
Chief Secretariat, Pondicherry.
- 2.Secretary to Government of India
for Home Department, New Delhi.
- 3.R.Vidhya
- 4.D.Meena
- 5.M.Ramesh
- 6.K.Senthilkumar
- 7.N.Selvaganabathy
- 8.M.Sofia Sebastina
- 9.J.Anbarasan
- 10.A.Karthik
- 11.T.Senthilkumar
- 12.K.Muthukumaran
- 13.K.Yasotha
- 14.M.Karthicke
- 15.S.Balaji

---Respondents

By Advocate Mr. R.Syed Mustafa (R1)
M/s Karthik, Mukundan & Neelakantan (R-4,
6,8,9,11,12,14 & 15)



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O.A.No.1429/2012

(ORDER: Pronounced by Hon'ble Mr.Justice A.Arumughaswamy, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"To call for the records of the first respondent with regard to the notification with A/34012/1/2012/DP&AR(Exam) dated 20.04.2012 and the select list with No.A.34012/12/1/2912/DP&AR (Exam) dated 01.10.2012 and to quash the same and consequently direct the first respondent to issue a fresh notification following the rule of reservation and to make selection on the basis of the same and consequently to appoint the applicant to the post of UDC."

2. The brief facts of the case as stated by the applicant are as follows:

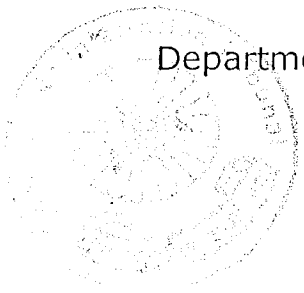
The applicant belongs to OBC category and she has filed this OA challenging the notification dated 20.04.2012 calling for applications for filling up 119 vacancies of Upper Division Clerk and the consequential select list dated 01.10.2012 and for other consequential reliefs. The impugned notification shows that the vacancies coming under the OBC category has been divided into 5 sub-divisions and earmarked vacancies under 5 heads which is against law. Similarly, even though there is no Constitutional proclamation for reservation for ST under Article 342 of Constitution of India, 1% reservation has been provided for Tribes in the name of backward tribes which is Unconstitutional. Further several candidates who got higher marks



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have been included in the reserved category in the select list instead of placing them in the General Category in the select list with a view to deny the benefit of reservation to the reserved category candidates which is also against law and hence the OA.

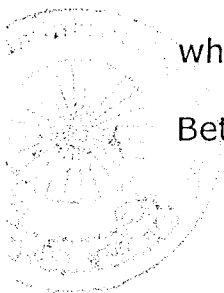
3. The respondents in their reply statement have stated that the applicant, in response to the notification, has applied under the OBC category and participated in the written competitive examination and secured only 27.75 marks whereas the cut-off mark of OBC category 48.50 and hence she was not selected. Further, when the applicant, having accepted the vertical reservation to various categories done as per the instructions of the Department of Personnel & Administrative Reforms (Personnel Wing), Puducherry in the recruitment notification dated 20.04.2012 and participated in the examination, the principle of estoppel would squarely apply to her and she cannot challenge the selection. Between the mark of the applicant and the cut off mark of the OBC, there are 383 candidates available and the applicant has no locus standi to file the OA on behalf of other unsuccessful candidates. Regarding the contention that several candidates who got higher marks have been included in the reserved category in the select list instead of placing them in the General Category in the select list, the respondents have submitted that as per the guidelines of the Department of Personnel & Training, Government of India, OM



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No.36012/13/88-Estt.(SCT), dated 22.05.1989 and OM No.36011/1/98-Estt.(Res) dated 01.07.1998, **when a relaxed standard is applied in selecting in an SC/ST/OBC candidates, for example in the age-limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates, etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies.** Only as per the above said guidelines, the select list has been prepared and published which cannot be found fault with. The applicant has no chance of getting selected owing to poor merit position in the OBC category and the result notification has in no way affected her chances and hence she has no locus standi to file the OA and prayed for dismissal of the OA.

4. Heard both sides and perused the material on record.
5. Considering the submissions on either side and from perusal of records it is not in dispute that the applicant, in response to the notification, has applied under the OBC category and participated in the written competitive examination and secured only 27.75 marks which is much less than the cut off mark of 48.50 of the OBC. Between the mark of the applicant (27.75) and the cut off mark of the



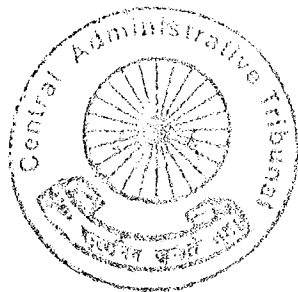
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OBC which is 48.50, there are 383 candidates available. Further the contentions of the applicant regarding the reservation and also the adjustment of the meritorious reserved category candidates against the reserved category vacancies are very well answered by the respondents in their reply statement that it was done as per the rules and instructions of the DOP&T which in our view is correct. From the above discussions, we feel that the selection process done is as per law which needs no interference at the hands of CAT. The OA, being devoid of merit, is liable to be dismissed and accordingly, the OA is dismissed. No costs.

ORDER

The OA is dismissed. No costs.



"Free Copy U/R 22 of
CAT (Procedure) Rules"

/ TRUE COPY /
M. S. /
DEPUTY REGISTRAR