
(2022) 04 CAT CK 0007
In the Central Administrative Tribunal
Case No : Original Application No. 232 Of 2022

AB Gani Chopan

APPELLANT

Vs

Union Territory Of Jammu & Kashmir & Others

RESPONDENT

Date of Decision : 04-04-2022

Acts Referred:

Citation : (2022) 04 CAT CK 0007

Hon'ble Judges : Anand Mathur, Member (A); D.S. Mahra, Member (J)

Bench : Division Bench

Advocate : Gulzar Ahmad Bhat, Hakim Aman Ali

Final Decision : Dismissed

Judgement

Anand Mathur, Member (A)

1. Learned counsel for applicant submits that by virtue of advertisement notice No. 1 of 2020 dated 26.6.2020 issued in reference to General Administration Department revised indent No. GAD/Mtg/RB-IV/50/2020 dated 22.6.2020 advertisement has been issued for filling of 8575 posts. The date of commencement for submission of online applications was 10.7.2020 and last date for submission of online application was 25.8.2020. As per the aforesaid advertisement notification, petitioner has applied online within a time prescribed in the advertisement notification. A short list/documents verification notice has been issued vide SSB/SSL/SEC/2022/305-14 dated 15.2.2022 and petitioner figured in the short list under (Div) S/No. 5615-P-K Application No. 2896791309 Roll No. 201356317984 category EWS (Economical Weaker Section) . Petitioner after securing the merit and securing the position in the short list, applied before the Tehsildar/ Executive Magistrate first Class- Dooru-District, Anantnag on 23.12.2021. Application was marked by the Executive Magistrate, First Class on the same date to Patwari concerned for verification and report under rules but despite the stipulated period fixed by the government, the Tehsildar has not issued certificate which were required to submit before the respondents Service

Selection Board. Petitioner made an application before the SSB with request to allow him to submit documents for class IV post , the application is filed on 25.3.2022. The petitioner has come to know that SSB is going to issue final selection list. It is submitted that petitioner could not submit the document before the SSB well in time because of the delay caused by Executive Magistrate. It is further submitted that the conditions laid down in the advertisement notification is that "a candidate seeking his consideration under reserved category must ensure he must possess the category certificate on the cut of date, the cut of the date in this regard shall be date of document verification. Petitioner is aggrieved of the action and inaction of the respondents by not permitting the petitioner to submit the documents in pursuant to notification dated 15.2.2022. Hence the present O.A.

2. On the other hand, learned counsel for respondents stated that as per the facts on record, the applicant did not submit the EWS certificate at the time of applying for the post. When he was called for document verification vide order dated 15.2.2022, he still did not produce the same and in fact he is unable to produce it even till date. His contention that he had applied for the certificate to the District Authorities but they have not given the same so far, is not tenable, as it is the responsibility of the applicant to keep the requisite certificate ready and supply the same as and when Page 2 of 4 required, as per advertisement notification. The applicant is trying to pass on the blame for non-issuance of his certificate to the District Authorities which cannot be accepted by the Service Selection Board.

3. Strictly speaking, a candidate while applying for any post of Service Selection Board is supposed to submit all the required documents/ certificate along with his application form.

4. In the instant case, the SSB had already relaxed this condition and had permitted the candidates to submit the EWS certificate at the time of document verification but the applicant has failed to do so even at the time of documents verification. Therefore, he has no claim whatsoever for being given the benefit of EWS and his candidature is liable to be cancelled on this count alone.

5. We have heard learned counsel for both the parties. It is clear from the record that advertisement notification had permitted the candidates to submit EWS certificate latest by the time of document verification. The advertisement notification had been issued quite some time back i.e. on 26.6.2020 and the document verification notice has been issued on 15.2.2022. A candidate desirous of applying for a post is normally expected to keep all the requisite certificates available at all times. Yet the time period of more than 1-1/2 years from 26.6.2020 to 15.2.2022 was also long enough period for him to obtain the EWS certificate and submit the same before SSB. Inasmuch as, the applicant has failed to do so, his candidature is liable to be cancelled on this count. It has to be clearly understood that this is a public examination and all the procedural requirements need to be strictly followed by all the candidates who apply for the

post as per advertisement notification. It is incumbent upon every candidate to make the requisite documents available to the Selection Commisison, as per the Page 3 of 4 requirements mentioned in the advertisement notice. Making excuses for non-submisison of the documents is not acceptable for any individual candidate. The same conditions were applicable to all the other candidates who would have followed the prescribed procedure. No individual can be allowed to get any extra ordinary benefit by relaxation of rules only for him, especially when he himself has failed to produce the required document.

6. Taking an overall view of the arguments put forth by both the counsel and the facts available on record, we do not find any merit in the instant .O.A. Accordingly, the O.A. is dismissed.

7. No order as to costs.