
(2013) 01 DEL CK 0085
In the Delhi High Court
Case No : Writ Petition (C) 4724 of 2012

Aruna Meena

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Citation : (2013) 01 DEL CK 0085

Hon'ble Judges : Veena Birbal, J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Chaudhary Shamsuddin Khan, for the Appellant; B.V. Niren, Advocate with Mr. Prasouk Jain, Advocate for R.1/UOI, Mr. Naresh Kaushik, Advocate with Ms. Aditi Gupta and Mr. Manoj Joshi, Advocate for R.2, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—Heard learned counsel for the parties. Vide impugned decision dated July 10, 2012, O.A. No. 2234/2012 filed by the writ petitioner has been dismissed by the Central Administrative Tribunal.

2. Facts are short. On September 16, 2010 UPSC issued an advertisement inviting amongst others applications for 81 posts of Drug Inspectors in the Central Drugs Standards Control Organization (vide Sl.No. 4) were advertised.

3. As per the advertisement in question, Essential Qualifications prescribed for eligibility were a degree in Pharmacy or Pharmaceutical Sciences or Medicine with specialization in Clinical Pharmacology or Microbiology from a recognized University or equivalent. The petitioner possesses the same. The second was an experience. It was 18 months experience in the manufacture of at least one of the substances specified in the Schedule.

4. Part-I of the proforma of the application to be submitted by the candidates required boxes to be filled up with numerals. It was indicated to the candidates that the numeral "1" would mean "Yes" and the numeral "2" would mean "No".

5. With respect to the experience, Sl.No. 10 (A) and 10 (B) sought information as under:-

10.(A) DO YOU POSSESS RELEVANT EXPERIENCE FOR THE POST?

(Write "1" for Yes, "2" for No) (See instruction-II)

(B) IF YES, INDICATE THE LENGTH OF EXPERIENCE AS ON CLOSING DATE.

6. In the boxes opposite Sl.No. 10 (A) the petitioner filled up the numeral "2" and against the boxes pertaining to Sl.No. 10 (B) in which the number of the year, the month and the day had to be filled up, the petitioner left the boxes blank. It had to be. If pertaining to Sl.No. 10(A) the petitioner filled up the numeral "2" it is obvious that she informed that she did not possess the relevant experience for the post and thus the question for her to fill up Colum No. 10 (B) does not arise.

7. Learned counsel for the petitioner says that this was a mistake. He says it was unintentional.

8. Now, with respect to part-II of the application form, vide Sl.No. 8 the table stipulated and required to be filled (as per proforma) is as under:-

8. Details of employment in chronological order

9. The petitioner has left the same blank.

10. Now this cannot be a mistake.

11. It is apparent that while filling up the application form the petitioner admitted not having any experience. This is the reason why she left Colum No. 10(B) of the Part-I of the application form blank as also Column No. 8 of Part-II of the application form.

12. It is apparent that while filling the application form the petitioner admitted not having the requisite experience and thus UPSC was fully justified in treating the petitioner as an ineligible candidate.

13. Now the petitioner claims that one fine day she had gone to the office of UPSC and under cover of a letter dated November 8, 2011 had submitted the requisite experience certificate on which she now wants to rely. The petitioner cannot do so for the reason that this was beyond the last cut off date which was September 16, 2010. Secondly, the record of UPSC would evidence, as per additional affidavit filed by UPSC, that such document was never filed and is not available in the record.

14. In any case, the later aspect of the controversy which is based on fact, need not bother us inasmuch as it is settled law that beyond the cut off date prescribed in an advertisement, by which necessary documents and information have to be made available; the date being sacrosanct, if by the cut off date relevant documents are not supplied the candidate concerned not to be treated

as eligible.

15. This is the view taken by the Tribunal. We agree. The writ petition is dismissed but without any order as to costs.

CM No. 9793/2012

Since the writ petition has been dismissed the instant application seeking issuance of interim directions to the respondent till the disposal of the writ petition is dismissed as infructuous.