

(2019) 02 P&H CK 0272

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 27343 Of 2017 (O/M)

Staff Selection Commission (Nwr) And Another

APPELLANT

Vs

Central Administrative Tribunal, Chandigarh Bench, Through
Its Registrar And Another

RESPONDENT

Date of Decision : 28-02-2019

Acts Referred:

Citation : (2019) 02 P&H CK 0272

Hon'ble Judges : Rajiv Sharma, J;Kuldip Singh, J

Bench : Division Bench

Advocate : Puneeta Sethi, Sushil Jain

Final Decision : Dismissed

Judgement

Impugned in present petition is order dated 11.7.2017 (Annexure-P-3), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh, vide which application filed by applicant respondent No. 2 Amit, has been allowed and present petitioners have been directed to consider claim of applicant-respondent No. 2, for Chandigarh and offer him appointment forthwith.

The short facts, which are required to be noticed for the purpose of present petition are that applicant-respondent No. 2, in response to advertisement issued in the year 2014, applied for the post of Multi Tasking (Non-Technical) Staff in the State/U.T. Though, applicant respondent No. 2 belongs to Haryana, he opted for vacancy earmarked for U.T. and filled in Code 28, which was for U.T. Chandigarh. Applicant-respondents No. 2 passed the written examination. However, present petitioners considered the claim of applicant-respondent No. 2 against vacancy earmarked for the State of Haryana instead of U.T. Chandigarh. The representation of applicant-respondent No. 2 in this regard failed to have any effect. According to applicant-respondent No. 2, he has been wrongly considered for State of Haryana, for which Code was 30, which is due to mistake of Data Entry Operator, whereas he had applied under Code 28, which is for U.T. Chandigarh.

Respondents have denied the claim and claimed that at the time of document verification on online system on 30.9.2014, the State code was changed to 30 i.e. Haryana State. Therefore, his candidature was considered for Haryana State.

We have heard learned counsel for petitioners, learned counsel for applicant-respondent No. 2 and have also carefully gone through case file.

The application form of applicant-respondent No. 2 shows that he had applied for U.T. Chandigarh and also mentioned Code of U.T. 28. It comes out that at the time of documents verification, some error crept in and Code 30 was mentioned, under which applicant-respondent No. 2 signed. Consequently, applicant-respondent No. 2 was considered for State of Haryana.

The learned counsel for petitioners, when questioned, has stated that there are no rules to change the Code, once it is claimed in the application. Apparently, there is error on the part of Data Entry Operator, who took the State Code of domicile State of applicant-respondent No. 2 during online data verification. The domicile State has no role in the MTS examination. The candidate is to be considered for the State, for which he wants to be considered for selection. It also comes out that Deputy Regional Director, Staff Selection Commission, Chandigarh, addressed two communications i.e. dated 10.2.2015 (Annexure-R-2/3) to Under Secretary (P and P-I), Staff Selection Commission (HQ), New Delhi, and another dated 22.5.2015 (Annexure-R-2/5) to Under Secretary (P and P-I), Government of India, DOPT, New Delhi, pointing out said discrepancies, requesting them to re-examine the matter. However, present petitioners stuck to their stand.

We are of the view that mentioning of wrong Code 30 in online data verification is immaterial. Applicant-respondent No. 2 had applied for the post of MTS to be considered for U.T. Chandigarh and also mentioned its Code 28. Nowhere in the rules or in the advertisement, it is provided that at the later stage, candidate can be permitted to change the code. Consequently, applicant-respondent No. 2 was to be considered for U.T. Chandigarh under Code 28 and not under Code 30 which is for State of Haryana. There is no illegality or infirmity in the impugned order dated 11.7.2017 (Annexure-P-3), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh, holding the action of present petitioners to be illegal and directing them to consider the claim of applicant-respondent No. 2 for U.T. Chandigarh, and offer him appointment forthwith as he had secured higher marks than the last candidate in the category of U.T. Chandigarh.

The plea of learned counsel for petitioners that affected candidates have not been made party is without any force. It is for the petitioners to see how applicant-respondent No. 2 can be adjusted. If necessary, petitioners can always create additional post. No ground to interfere in the impugned order dated 11.7.2017 (Annexure-P-3), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh. Accordingly, petition is dismissed.