

(2014) 11 MAD CK 0370

In the Madras High Court

Case No : Writ Petition No. 8212 of 2014 and M.P. No. 1 of 2014

Union Public Service Commission

APPELLANT

Vs

Manas Kumar Sinha

RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Citation : (2015) LabIC 1149

Hon'ble Judges : Satish K. Agnihotri, J;K.K. Sasidharan, J

Bench : Division Bench

Judgement

1. The Union Public Service Commission, the petitioner herein, issued a notification dated 20.02.2009, calling for applications for appointment to the post of Fisheries Scientist in Fishery Survey of India, Mumbai. The notification was published in newspapers, besides Employment News. The last date for submission of completed application was indicated as 15.04.2009. The first respondent submitted his application. Though he claimed that he is entitled to weightage on account of experience, certificate showing his previous experience was not enclosed along with the application. This made the petitioner to reject the first respondent's application.

2. The first respondent filed Original Application in O.A. No. 1400 of 2012 before the Madras Bench of the Central Administrative Tribunal (hereinafter referred to as "the Tribunal"). The Tribunal, initially permitted the first respondent to participate in the interview. Thereafter, the Original Application was allowed by order dated 29.10.2013. The said order is challenged in this writ petition, at the instance of the Union Public Service Commission.

3. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for the first respondent.

4. The first respondent submitted an application for appointment to the post of Fisheries Scientist, pursuant to the notification issued by the Union Public Service Commission. The notification contained certain important information. Clause 3

(B) of the notification provides that copies of certificates should be attached in support of the information given in the application form. Similarly, there was an indication that any information contained in the attached certificates, would not be considered, unless it is claimed in the application form.

5. There is no dispute that the first respondent failed to submit the required certificate along with his application. The petitioner made it very clear in the notification that in case, the required certificate is not produced, application would be treated as incomplete. The alleged delay in obtaining experience certificate cannot be a reason to direct the Union Public Service Commission to accept the certificate belatedly, notwithstanding the expiry of the last date for submission of application with the relevant certificates.

6. The notification was issued with a definite purpose. The terms of the notification are applicable to the Union Public Service Commission as well as to the first respondent. The last date for submission of completed application was 15.04.2009. The experience certificate itself was obtained only on 20.04.2009. Therefore, it is very clear that as on the date on which the first respondent submitted his application form, he was not armed with the experience certificate. Even on the closing date, he was not given experience certificate. This aspect was not considered by the Tribunal.

7. The Tribunal proceeded under the premise that the delay of a couple of days in receiving experience certificate, cannot be a reason to reject the first respondent's application. The Tribunal failed to consider the material fact that there would be other candidates who are also similarly situated and in case, time is given, they would also produce certificates. There is no question of directing the Union Public Service Commission to accept the certificates submitted by the candidates, belatedly. This would affect the sanctity of the selection process. We are, therefore, not inclined to accept the views expressed by the Tribunal.

8. In the result, the order dated 29.10.2013 in O.A. No. 1400 of 2012 is set aside.

9. In the upshot, we allow the writ petition. No costs. Connected Miscellaneous Petition is closed.