* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Sri JUSTICE M.GANGA RAO

\+ <u>Writ Petition No.35790 of 2017</u>

% 06-12-2017

\# 1. The Union of India Rep. by the Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Khan Market, New Delhi – 110 001.
2. Staff Selection Commission, Govt. of India Rep. by its Chairman, Block No.12, CGO Complex, Lodhi Road, New Delhi.
3. Staff Selection Commission, Southern Region rep. by its Regional Director, EVK Sampath Building, DPI Campus College Road, Chennai – 600 006.

... Petitioners

Vs.

$ 1. Podila Goutham Teja, S/o Podila Nagaiah, aged about 25 years, Occ: Student r/o Church street, Pedanandi Padu Village & Mandal, Guntur District.
2. The Hon'ble Central Administrative Tribunal Hyderabad Bench, Hyderabad rep. by its Registrar Near Control Room, HACA Bhavan, Hyderabad

(R.2 was deleted as per Court order dated 25.10.2017)

... ***Respondents***

! Counsel for the Petitioners: Mr. K.Lakshman, Asst. Solicitor General

Counsel for Respondent No.1: Smt. A.Chaya Devi

< Gist:

> Head Note:

? Cases referred:
Nil

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No. 35790 OF 2017

ORDER: ***(Per VRS,J)***

The Union of India and the Staff Selection Commission have come up with the above writ petition challenging an interim order passed by the Central Administrative Tribunal (for short 'the Tribunal'), directing the Staff Selection Commission to declare the results of the selection to various posts included in Combined Graduate Level Examination, 2016.

2. Heard Mr. K.Lakshman, learned Assistant Solicitor General of India and Smt. A.Chaya Devi, learned counsel for the first respondent.

3. By a notification dated 13.02.2016, the Staff Selection Commission invited applications to various posts including the posts of Assistant Audit Officer and Inspector of Income Tax. The entire process of applications, conduct of examinations and declaration of results was to be online.

4. Unfortunately, the first respondent committed a mistake in filling up the form online, which resulted in his application for the post of Assistant Audit Officer not being considered. But, he had

applied for various other posts including the posts of Inspector of Income tax.

5. The Staff Selection Commission did not make an issue about validity of his application for the other posts. The only objection of the Staff Selection Commission is to the claim of the first respondent for post of Assistant Audit Officer.

6. When the first respondent was denied hall ticket for taking the examination in Paper-IV of Tier-II examination which is exclusively meant for Assistant Audit Officer, the first respondent filed an Original Application in O.A.No.1176 of 2016 before the Tribunal. The prayer of the first respondent before the Tribunal was confined only to the refusal of the Staff Selection Commission to permit him to participate in one examination, which was exclusively for the post of Assistant Audit Officer.

7. To make things clear, it must be recorded that the first respondent was permitted to write the examinations for other posts for which he was found eligible by the Staff Selection Commission. Therefore, his grievance was confined only to the denial of permission to write one particular examination exclusively for the post of Assistant Audit Officer.

8. By virtue of an interim order, the Tribunal permitted the first respondent to write an examination. By virtue of the next interim

order, the Tribunal directed the Staff Selection Commission to declare the results.

9. Aggrieved by the second interim order granted by the Tribunal and contending that the scope of the Original Application cannot be enlarged in this process, the Staff Selection Commission has come up with the above writ petition. The contention of the learned Assistant Solicitor General is when the very validity of the application of the first respondent for the post of Assistant Audit Officer is in question, the Tribunal could not have, by a spate of interim orders almost taken the first respondent to the goal post.

10. While ordering notice in the writ petition on 16.11.2017, we directed the learned Assistant Solicitor General to produce the results at least for the benefit of this Court, so that if the first respondent had not qualified in the examination, no further enquiry was necessary either before the Tribunal or before this Court.

11. Accordingly, the result of the selection in respect of the other posts (not the post of Assistant Audit Officer) was produced before us. We have perused the same and returned the sealed envelope to the Assistant Solicitor General.

12. It is seen from the material papers and the contention of the learned counsel for the first respondent that in respect of the other posts, the results of three candidates including that of the petitioner had been withheld. One out of those candidates had actually been

debarred. The first respondent is not that candidate who was debarred.

13. The results of the process of selection, filed as part of the material papers by the Staff Selection Commission disclose that out of three candidates whose results are not declared, one was debarred and the other two, though selected, the results are not declared due to pendency of court cases. Therefore, the inference drawn by the first respondent is that the first respondent could be one among the two selected candidates. But this selection will be confined to a post in respect of which the application of the first respondent was validly made and admitted by the Staff Selection Commission.

14. Once the material papers disclose that the first respondent could be one of the two selected candidates, the first respondent does not want to pursue his claim for the post of Assistant Audit Officer, since the pursuit of such a claim is now acting as an impediment for the declaration of results in respect of other posts. Therefore, the learned counsel for the first respondent offered to withdraw the original application made before the Tribunal, so that the results of the selection for two posts could be declared.

15. In view of the same, the writ petition is disposed of, permitting the first respondent to withdraw the main original application pending before the Tribunal in O.A.No.1176 of 2016. O.A.No.1176 of 2016 will stand dismissed as withdrawn. Since it now stands withdrawn,

the Staff Selection Commission may officially declare the results of the first respondent with respect to the posts (other than the post of Assistant Audit Officer), so that the first respondent knows where he stands.

16. One apprehension expressed by the learned counsel for the first respondent is that in case the first respondent is not a selected candidate for the other posts, he will lose the opportunity to pursue his claim for the post of Assistant Audit Officer. But that apprehension is misconceived for the reason that the prayer in the original application was only to direct the Staff Selection Commission to issue hall ticket. Therefore, if after the declaration of the results in respect of other posts, the first respondent finds that he is nowhere, it will not preclude the first respondent from approaching the Tribunal once again.

17. Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. No order as to costs.

V. RAMASUBRAMANIAN, J

M.GANGA RAO, J

6th December, 2017
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