

13.07.2021
Item no.1

Aloke
Ct. no.16

(Through Video Conference)

WPCT 4 of 2020

**Suman Majumder
Versus
Staff Selection Commission & Ors.**

Mr. Chiradip Sinha, Adv.
Mr. Siddhartha Monda, Adv.
... for the petitioner

Mr. Debabrata Gupta, Adv.
Mr. Sourav Mondal, Adv.
... for the respondents

The writ petition is arising out of an order passed by the Central Administrative Tribunal, Calcutta Bench on November 15, 2019 in connection with an application filed by the writ petitioner praying inter alia for setting aside of the impugned corrigendum no. F. No. 3-1/2018-P&P-1 (Pt) dated May 31, 2018 issued by the under Secretary (P&P-1), Staff Selection Commission.

The genesis of the dispute is relating to the notice of Combined Graduate Level Examination, 2018 uploaded on the website of the Staff Selection Commission. On May 5, 2018 a corrigendum was issued by which the age relaxation for Group-B post to Central Government Civilian employees who have rendered not less than three years regular and continuous service as on closing date for receipt of the application by five years in the original notice was withdrawn on the basis of the Government of India,

Department of Personnel & Training Office Memorandum dated October 24, 1985 read with October 15, 1987.

Mr. Sinha, learned counsel appearing on behalf of the petitioner submits that the said Office Memorandum has been misconstrued and interpreted wrongly by the learned Tribunal in denying the relief to the writ petitioner. It has been emphatically submitted that the said two memoranda, in fact, support the case of the petitioner and is in no way prejudicial to the right of the petitioner for consideration of the case of the petitioner for applying age relaxation.

The learned counsel for the Staff Selection Commission has submitted that the said two memoranda made it clear that in the event the recruitment is not being initiated by UPSC and filled up on the basis of competitive examinations, the concessions of age relaxation would not be applicable in either case and in this regard our attention has been drawn to paragraph-2 of the Office Memorandum dated October 15, 1987 and the omission clause in the parenthesis in the first paragraph which reads as *“Other than those filled on the basis of competitive examinations”*.

It is not in dispute that on the date when the original application was filed by the petitioner, the petitioner was not entitled to the age relaxation as he has not completed three years of service as on the date of the notice of the combined Graduate Level Examination, 2018 uploaded on May 5, 2018. However, in the year 2019 he could have been a candidate for consideration provided there has been age

relaxation as mentioned in the original notice that is to say age relaxation of five years.

The Tribunal dismissed the contention of the writ petitioner on the following grounds :

“(i) The Corrigendum under challenge, dated 31.05.2018, was issued, admittedly and irrefutably, in connection with CGLE-2018, and not in connection with any subsequent notifications including that of 2019. Therefore there is no substance in the submission that it would prevent the applicant to seek relaxation in age against the notification of 2019.

(ii) The applicant was not even entitled to apply or seek relaxation of age to apply against CGLE notification of 2018, due to non-completion of three years of service.

(iii) No subsequent notification of CGLE 2019 or related corrigendum is challenged in the present OA.

(iv) The respondents have averred that “the corrigendum was issued pursuant to a DOPT OM dated 15.10.1987 and the scrutiny of Government orders regarding relaxation in upper age limit for Government servants for Group ‘A’ and ‘B’ posts revealed that such relaxation are only admissible for those posts other than those filed on the basis of competitive examinations. Since the Combined Graduate Level Examination conducted by the Staff Selection Commission is a competitive examination, therefore the said relaxation was withdrawn by the Commission vide Corrigendum No. 3-1/2018-P&P-1(Pt) dated 31.05.2018”.

In its decision (extracted supra), the Principal Bench has duly referred to the DOPT OM dated

15.10.1987 and upheld the contents of the corrigendum dated 31.05.2018, having said that:

“..... the employment notice is brought in conformity with the guidelines issued by the DOP&T. It appears that they wanted to ensure fair play in the context of holding of competitive examination....”.

It is eminently clear from the said two memoranda that any recruitment on the basis of competitive examinations would not involve any age relaxation. Moreover, the recruitment agency has the discretion to consider whether for particular cases concession by way of age relaxation may be allowed on conditions laid down in the said two memoranda and the Commission now SSC can take a decision to make such conditions in the recruitment to be advertised which would be beneficial for the establishment.

On such consideration, we are in agreement with the order passed by the learned Tribunal.

The writ petition accordingly stands dismissed. However, there shall be no order as to costs.

All parties shall act on the basis of the server copy of this order downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)