



WEB COPY

W.P.Nos.18874 & 18678 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

W.P.Nos.18874 & 18678 of 2017

and

WMP.Nos.20218 & 20391 of 2017

WP.No.18874 of 2017

1.Union of India through its Finance Secretary,
Ministry of Finance,
Department of Revenue
New Delhi.

2.The Staff Selection Commission through its Chairman,
Ministry of DOPT,
Government of India, Block No.12,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

... Petitioners

VS

1.The Registrar
Central Administrative Tribunal
Chennai.

2.Jagana Anitha

3.Devandla Lakshmi

4.Rajneesh Kumar



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5.Vijayalakshmi.P

6.Puli Swathi Bharani

7.Shivali

8.Chunni Lal

9.Vijendra

10.T.T.Bhuvaneshwari

11.Vishal Kapadia

12.Ravi Prakash

.. Respondents

Prayer in W.P.No.18874 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records from the file of the 1st respondent made in O.A.No.815 of 2015 dated 06.07.2016 and quash the same.

AND

WP.No.18678 of 2017

1.Union of India through its Finance Secretary,
Ministry of Finance,
Department of Revenue
New Delhi.

2.The Staff Selection Commission through its Chairman,
Ministry of DOPT,
Government of India, Block No.12,
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New Delhi – 110 003.

... Petitioners

VS



W.P.Nos.18874 & 18678 of 2017

1. The Registrar
Central Administrative Tribunal
Chennai.

2. H. Priya

.. Respondents

Prayer in W.P.No.18678 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records from the file of the 1st respondent made in O.A.No.1162 of 2015 dated 06.07.2016 and quash the same.

<i>W.P.Nos.</i>	<i>For Petitioners</i>	<i>For Respondents</i>
18874 of 2017	M/s.R.Rajesh Vivekananthan Senior Panel Counsel	R1 – Tribunal R6, R7 and R8 – Served No appearance R2, R3, R4, R5, R9, R10 R11 and R12 – Not ready in Notice
18678 of 2017	M/s.B.Sudhir Kumar Senior Panel Counsel	R1 – Tribunal R2 – No appearance

COMMON ORDER

(Order of the Court was made by Dr.ANITA SUMANTH..J)

Both the writ petitions are filed by the Department of Revenue, Ministry of Finance, Union of India/P1 and the Staff Selection Commission, Ministry of DOPT/P2, challenging the impugned orders



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passed by the Central Administrative Tribunal (CAT/Tribunal) dated 06.07.2016.

2. Some of the private respondents have been served and their names figure in the cause list. As regards the remaining, despite attempts made by the petitioners, service is incomplete. Seeing as these writ petitions are of the year 2017, we are not inclined to keep these matters pending any further for want of service. Hence, we proceed to hear the same and pass orders based on the records and the oral submissions of Mr. Rajesh Vivekananthan, learned Senior Panel Counsel appearing for the petitioners in WP.No.18874 of 2017 and Mr. B. Sudhir Kumar, learned Senior Panel Counsel appearing for the petitioners in WP.No.18678 of 2017.

3. P2 had conducted an examination for Stenographer Grade 'C' and 'D', on 16.10.2011. Results were declared on 07.03.2012 and a total of 1123 candidates were found qualified for inclusion in the posts. However, since a substantial number of vacancies remained unfilled in the Department of the Central Bureau of Investigation (CBI) and the Central Board of Direct Taxes (CBDT), the threshold for success in the examinations were significantly lowered.



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4.The percentage for mistake was increased to 7% for unreserved category and 10% for reserved category. Thereafter, P2 proceeded to prepare an additional reserve list, lowering further the threshold (mistake percentages) for the posts remaining vacant in the CBI and CBDT to 15% for unreserved category and 20% for reserved category.

5.R2 to R12 in WP.No.18874 of 2017 had been issued appointment orders by the CBDT on various dates as follows:-

<i>Name of the Candidate</i>	<i>Date of Appointment letter issued by the User Dept. CBDT</i>
JAGANA ANITHA	06.08.2012
DEVANDLA LAKSHMI	06.08.2012
RAJNEESH KUMAR	09.08.2012
VIJAYALAKSHMI .P.	30.07.2012
PULI SWATHI BHARANI	29.08.2012
SHIVALI	07.01.2013
CHUNNI LAL	22.10.2012
VIJENDRA	13.08.2012
BHUVANESHWARI	03.09.2012
VISHAL KAPADIA	22.08.2012
RAVI PRAKASH	28.08.2012

6.R2 in WP.No.18678 of 2017 had been appointed on 30.07.2012 by the CBDT.

7.An additional condition had been imposed in respect of those



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candidates who had been appointed applying the reduced threshold for admission, to the effect that they have to pass a skill test that was to be conducted within two years of their appointment. Skill tests had been conducted on 27.10.2013 in which all the candidates had failed.

8. Notwithstanding their failure, P2 had proceeded to extend yet another opportunity by conducting a skill test once again on 28.03.2015. Five candidates had been successful in that examination including the candidate in WP.No.18778 of 2017.

9. While so, O.A.No.1162 of 2015 had been filed by one Priya/R2 in WP.No.18678 of 2017 before the Central Administrative Tribunal (Tribunal/CAT) wherein the prayer was for (i) To direct the respondents to republish the skill test result which they have conducted on 27/10/2013 for the Stenographer Grade D, as per the respondents norms applicable for the Un-reserved category candidates (which is 5% to 7% errors) and republish the result of the applicant as Qualified as she has secured the required norms applicable for the applicant and also achieved the Accuracy level (5% to 7% error) as per the press write-ups published by the respondents for the periods 2011, 2012, 2013 and 2014. (ii) To direct the respondents to assign the seniority for the applicant from the



date of joining and consider all the consequential benefits including the monetary benefits flowing there from. (iii) To direct the respondents not to stop the increment of the applicant and (iv) Cost of the application to be provided for. In the counter filed by the Staff Selection Commission, R2 before the Tribunal, they state as follows:

“8. In reply to Para – 4 & 5 of the OA, Southern Regional Office conducted Stenography Skill Test in respect of the candidates including Applicants No.1 to 11 appointed on relaxed standards in CBI/CBDT on 27.10.2013 at Chennai. However, all the applicants failed to qualify. It may be noted that the Commission did not cancel their candidature. Instead, they were given another opportunity for appearing in the skill test examination conducted again on 28.3.2015. Now, after considering the matter in depth, the Commission vide letter No.10/11/2011-P&P-I dated 03.07.2015 has authorized CBDT to conduct the skill test of such candidates who have still not cleared the skill test and to decide whether the candidates are qualified enough to continue in their services.”

10. The counter filed by the second petitioner had authorised the CBDT to conduct a skill test of those candidates who are yet to clear the skill test post their failure in the test conducted on 28.03.2015. However, the position is unclear as to whether that skill test had been conducted as proposed, and what the result of that test was and learned counsel before us are not in a position to apprise the Court on this position.



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11. In this writ petition, the petitioners would assail the findings of the Tribunal in conclusion of the order under challenge dated 06.07.2016, reading thus:-

“.....Therefore, this court is of the view that the applicants are all qualified candidates as on 27.10.2013 and the respondents are directed to review the result of the applicants on the basis of their own norms as found set out in Declaration of Final Result of Stenographer Grade 'C' & 'D' Examination, 2012 dated 07.12.2012, Declaration of Final Result of Stenographer Grade 'C' & 'D' Examination 2013 dated 24.07.2014 and Declaration of Final Result of Stenographer Grade 'C' & 'D' Examination 2014 dated 10.02.2015 and issue proper proceedings, provided if the applicants establish that they belong to reserved category (SC/ST/OBC).

6. The OA is ordered accordingly. No order as to costs.”

12. Clearly there is an error in the Tribunal recording that the appellants were qualified as on 27.10.2013 as the facts that have now been placed before us indicate that none of them have been qualified as on 27.10.2013 when the first skill test was conducted and only 5 out of 11 had cleared the skill test conducted on 28.03.2015. The fate of the remaining candidates is unknown.

13. In such circumstances, we set aside the finding of the Tribunal that the candidates are all qualified as on 27.10.2013. As the requisite



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qualification has been acquired only on 28.03.2015 or thereafter, which date is unknown, we direct instead that the candidates are entitled to benefits from the date of their having successfully cleared the skill test, either 28.03.2015 (in the case of 5 candidates) or on the subsequent date when the skill test was conducted by the CBDT.

14.The petitioners will ascertain from the CBDT the factual position in regard to the performance of the candidates in the skill test conducted by the CBDT, and determine their eligibility to benefits, on and from the date of their success in the skill test, if at all.

15.Both the writ petitions are disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

[A.S.M., J] [G.A.M., J]
23.09.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs

To

The Registrar,
Central Administrative Tribunal,
Chennai.



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