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MRS. SEEMA KUMARI SHARMA

v.

STATE OF HIMACHAL PRADESH AND ANR.

OCTOBER 23, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law*

C

*Selection—Teachers—Criteria for selection—Interalia 10 marks allotted for candidates belonging to IRDP families—Certificate not produced along with application—Hence the candidate not awarded the marks—Held, failure to furnish the certificate along with the application does not disentitle her to claim the status for award of 10 marks—Since she has already appeared for the examination, her result has to be declared and her case for appointment to be considered in accordance with rules, if she is selected.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 14531-32 of 1996.

From the Judgment and Order dated 25.4.96 of the Central Administrative Tribunal at Shimla in O.A.No. 619 of 1995.

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Mrs. Rani Chhabra for the Appellant.

T.A. Khan and T. Sridharan for the Respondents.

The following Order of the Court was delivered :

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Leave granted.

We have heard learned counsel on both sides.

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These appeals by special leave arise from the order of the Central Administrative Tribunal, Shimla Bench made in O.A. No. 619/95 and the review order. The admitted position is that the Director of Education issued a notice for Junior Basic Teacher's Training. The criteria for selection was 100 marks based on the percentage of marks obtained in matric or equivalent examination. 20 marks for candidates belonging rural areas and 10 marks for candidates belonging to backward panchayat were allotted. Similarly, 10 marks were allotted for candidates belonging to IRDP

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families. Though the appellant claimed to belong to IRDP family, the authorities have not considered her claim and consequently did not award 10 marks as required under the criteria. When the appellant filed the writ petition, the High Court dismissed the same holding that the appellant had not produced the certificate along with the application and, therefore, she is not entitled to the above status. When we directed the appellant to produce the record, she made the certificate a part of the record. Unfortunately, it does not bear the date of issue; but we find that she has been given serial number of the IRDP family. In view of the fact that serial numbers are ascribed to all the candidates in the order, we are of the view that her failure to furnish the certificate along with the application does not disentitle her to claim the status for consideration of award of 10 marks. Pursuant to the interim direction granted by this Court, the appellant has already appeared for the examinations conducted but her result has not been announced.

Therefore, the appeals are allowed; the order of the Tribunal stands set aside. There shall be a direction to declare the result and her case for appointment will be considered in accordance with the rules, if she is selected. No costs.

G.N.

Appeals allowed.