

Supreme Court of India

Mrs. Seema Kumari Sharma vs State Of Himachal Pradesh & Anr on 23 October, 1996

Bench: K. Ramaswamy, G.B. Pattanaik

PETITIONER:

MRS. SEEMA KUMARI SHARMA

Vs.

RESPONDENT:

STATE OF HIMACHAL PRADESH & ANR.

DATE OF JUDGMENT: 23/10/1996

BENCH:

K. RAMASWAMY, G.B. PATTANAIAK

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

We have heard learned counsel on both sides. 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 Teachers' Training. The criteria for selection was 100 marks based on the percentage of marks based on the percentage of marks obtained in matric or equivalent examinations, 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 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 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 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.