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Court : Allahabad

Decided On : Mar-25-2003

Reported in : 2003(2)AWC1485

Judge : M. Katju and ;Prakash Krishna, JJ.

Appeal No. : C.M.W.P. No. 54556 of 2002

Appellant : Shailendra Kumar

Respondent : Chief General Manager, Bharat Sanchar Nigam Ltd. and ors.

Advocate for Def. : Uma Kant, ;B.N. Singh, Adv. and ;S.C.

Advocate for Pet/Ap. : Mukesh Kumar Kushwaha and ;Mahima Maurya, Advs.

Disposition : Writ petition allowed

Judgement :

ORDER

M.Katju and Prakash Krishna, JJ.

1. Heard learned counsel for the petitioner.

2. The petitioner has prayed for a writ of mandamus directing the respondents to accept his candidature as an eligible candidate and give him appointment on the post of Junior Telecom Officer.

3. The petitioner has passed his B.E. Examination. He applied against the advertisement for selection to the post of Junior Telecom Officer. A copy of the said advertisement is enclosed as Annexure-1 to the writ petition. It was mentioned therein that only those candidates who have been declared passed and who have been Issued provisional degree/mark-sheet on or prior to 31.7.2002 could apply. The petitioner submitted his mark-sheet of B.E. Examination on 29.7.2002 with the relevant mark-sheet but the degree was submitted after 31.7.2002 because the degree was not available on or before 31.7.2002. However, although the petitioner was selected he was not given letter of appointment because he did not submit his degree prior to 31.7.2002, as it was not issued prior to 31.7.2002.

4. In our opinion, the respondents have taken an over-technical view of the matter. It is well known that after the examination, often mark-sheet is issued at an early date but the degree is often issued several months subsequently. The advertisement itself mentions that the applicant has to submit degree/mark-sheet on or prior to 31.7.2002. This means that if the mark-sheet is submitted on or prior to 31.7.2002, it will suffice.

5. Similar view has been taken by Supreme Court in the case of Ashok Kumar Sharma and Anr. v. Chandra Shekhar and Ors., 1993 Supp. (2) SCC 611.

6. For the reasons stated above the writ petition succeeds and is allowed. The respondents are directed to appoint the petitioner as Junior Telecom Officer forthwith.

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