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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 3355/2002

New Delhi, this the 2nd day of December, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)

1. Jitender Kumar Raghav,
C-123, Eastern Apartment,
Mayur Vihar Ext., Phase-I,
New Delhi - 110 015
2. Manveer Singh Beniwal,
A-10, Vardhman Colony,
Golf Course Road,
Air Force Area,
Jodhpur
3. Ram Narayan,
2/580, Vinay Khand,
Gomti Nagar,
Lucknow
4. Bhuneswar Kumar Nayak,
C/o Shri T.P. Patil,
Om Nagar, Jarahabhantha,
Bilaspur (Chattisgarh)
5. Jitender Singh,
3/139, Vinay Khand,
Vidhayak Puram,
Gomti Nagar, Lucknow

... Applicants

(By Advocate : Shri A.K. Behra)

V E R S U S

1. The Union of India,
through The Secretary,
Ministry of Personnel, Public Grievances & Pension,
North Block, New Delhi
2. The Union Public Service Commission,
Through its Secretary,
Dholpur House,
Shahjahan Road, New Delhi - 110 001

... Respondents

(By Advocate : Shri M.M. Sudan)



O R D E R (ORAL)

BY SARWESHWAR JHA, MEMBER (A) :

Heard.

2. The applicants (5 in number) have preferred this Original Application challenging the constitution and the proceedings of the Board constituted for conducting Personality test of the applicants after they had qualified in the Civil Services Examination 2001 and also against the marks awarded to them in respect of their Personality test.

3. The facts of the case, briefly, are that the applicants were declared successful in the Civil Services (Preliminary) Examination held in the month of May/June 2001. They were also declared successful in the Civil Services (Main) Examination of the said year. As per the procedure laid down for the Personality Test, they were interviewed and awarded marks for the same vide mark sheet placed at Annexure A-1. Their grievance is that they had opted for Hindi language as the medium of interview, but they were asked questions in English and the same were interpreted by interpreters to the Members of the Board interviewing the applicants, and in the process the questions which were put to them and the answers which were given by them were not appreciated properly by the Members of the Board. Incidentally, the applicants have mentioned only two Boards comprising two Members of the Union Public Service Commission sitting between 3.5.2002 and 10.5.2002

Sarveshwar Jha

which had the difficulty about interviewing the applicants in Hindi.

4. In this connection, the applicants have referred to the objective of Personality Test, which is a part of the selection process associated with the Civil Services Examination. According to them, the interview is not strictly a process of cross examination, but of a natural, though directed and purposive conversation, which is intended to reveal the mental qualities of the candidates. It is not intended to test either specialized or general knowledge of the candidates which has already been tested through their written papers. They have referred to the guide-lines published in this regard in the Gazette of India Extraordinary annexed at Annexure A-2 to the OA. They have also referred to the requirement of Column 11 (b) of the application form for the said examination in which a mention has been made that interview for Personality Test could be in English or in any language the candidates have opted for answering the papers on Essay, General Studies and other optional subjects. In the case of the candidates who have opted for an Indian language as a medium for answering papers on Essay, General Studies and optional subjects, they will have the option of being interviewed either in English or in the same language in which they have opted for the papers on Essay, General Studies and optional subjects. A copy of the same is annexed at Annexure A-3. A reference has been made to the recommendations of Satish Chandra Committee to elaborate the point that all-round intellect of a candidate as well

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as his comprehensive and clear idea on a particular topic can be gauged through the Essay papers, and perhaps, in the language of the candidates, this task becomes less pointed and problematic at the Personality test. They have also talked of the philosophy behind adopting of the languages scheduled in the Constitution of India as media for examination to reinforce the unity in diversity concept in the country. They have given certain examples of what kind of questions were put to them and how they were dealt with during the course of the interview. References have also been made to the marks obtained by some other candidates in the interview. The purpose for which these marks have been referred to is, however, not clear.

5. The applicants have referred to the fact of Hindi having been accorded the status of Rashtra Bhasha and have alleged that, in spite of this, that they have been discriminated against simply because they are well versed in Hindi. They have accordingly prayed that the marks awarded to them in the Personality Test of the Civil Services Examination 2001 may be quashed and set aside and that the respondents be directed to constitute a new interview Board consisting of members who speak and understand Hindi for conducting the Personality Test for applicant-candidates who have opted for Hindi as the medium for interview and also to give them all consequential benefits including appointment according to the rules, if they are selected on the basis of fresh Personality Test.

Kushwanth Dua

6. The respondents, in their reply, have, however, asserted that the applicants have failed to find a place in the merit list of selected candidates not because of the language which they had opted for the interview, but because of their poor performance in the main examination and the interview. Giving an account of the procedure followed by the Union Public Service Commission for holding the Civil Services Examination every year for filling the vacancies in the Indian Administrative Service, Indian Police Service, Indian Foreign Service and other allied Group 'A' and 'B' services, the Commission have submitted that the said examination is held in two parts, the Preliminary Examination and the Main Examination. The candidates who qualify in the Preliminary Examination are admitted to the Main Examination. In the application for the Main Examination the candidates are given option to answer the papers either in English or in any of the languages mentioned in the Eighth Schedule to the Constitution of India. They are also given option to appear for the Personality Test either in English or the language which they have opted for to write the Main Examination. The applicants in this OA had given Hindi as the medium of the Main Examination and the interview test. They have also submitted that the Commission provide a competent interpreter to assist the candidates as well as the interview board. The candidate is informed of the presence of the interpreter so as to encourage him to answer questions in the medium he/she has offered. The Interview Board is presided over by the Chairman or a Member of the Commission, assisted by four Advisors, who are eminent persons from different disciplines and some of



them are also reputed and experienced retired Civil Servants. The assessment of a candidate is done on the basis of his/her performance in the interview, and the Board makes this assessment on the basis of the consensus built on the performance of the candidates in the interview test. The respondents have said that it is conducted to assess the candidate's suitability for the Civil Services in terms of his balance of judgement, personality traits, leadership qualities and general awareness of the problems and issues facing the country and the world. In their opinion, the language which a candidate uses to answer the questions in the interview test has thus no role in his/her assessment. This practice has been followed by the Commission since 1979, and according to the respondents, a large number of candidates opting for Hindi and other Indian languages as media have been selected for appointment to the various services through the Civil Service Examination conducted every year. They have also indicated in their reply that 42 successful candidates in the merit list of the Civil Services Examination 2001 were those who had opted for Hindi medium for the Main Examination and the interview test. They have informed that the results of the Civil Service Examination 2001 were announced on the 15th of May, 2002 and the successful candidates, based on the merit list, have since been appointed to different services including the IAS.

7. In the para-wise replies, the respondents have elaborated their submissions in respect of the instances which the applicants have given in regard to the questions

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put to them and also the manner in which the same were put to them. In these replies of the respondents, two things have emerged significantly : firstly, the Commission provide a competent interpreter to assist both the candidate as well as the Board and that the issue of the members of the interview board being conversant with a particular language is irrelevant; secondly, the Board headed by the Hon'ble Member Ms. Arundhati Ghose was assisted by a well trained and experienced interpreter in the Hindi language working in the Parliament of India for long and also that the Board headed by Ms. Ghose also included a retired IAS officer, who had worked as Chief Secretary of UP where all correspondence and official works are conducted in Hindi. It is also mentioned that the said Board awarded 60% marks to six candidates who had appeared in the Civil Services Interview Board in April - May 2002 and answered questions in Hindi. Two of the seven candidates secured over 75% marks in the interview in the Board presided over by Ms. Ghose. The respondents have referred to the fact that the applicant No.1 in the OA had earlier appeared in the Civil Service Examination in the years 1994, 1995, 1997, 1998 and 2000 and had failed to qualify. Similar submissions have been made in respect of the Board headed by Hon'ble Member Shi P.C. Hota in which two Advisors, one a retired Director General of Police and another a Prof. of History at University of Jaipur, whose mother tongue is Hindi, had been included. This Board also had the benefit of assistance by an Interpreter having long experience of Hindi translation of Parliamentary proceedings. The respondents have claimed that the

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allegations that Shri P.C. Hota gave less marks to candidates who had opted for Hindi language is baseless and contrary to facts. In this Board also two candidates were awarded more than 60% marks and one of them got 70% marks in the Interview Board presided over by Shri Hota.

8. Finally, the respondents have contended that the OA may be dismissed with exemplary cost imposed on the petitioner-candidates who have grossly abused the judicial system by making wild and baseless allegations against a constitutional authority as the Union Public Service Commission, as the interview Boards presided over by both the Hon'ble Members awarded more than 60% marks to some of the candidates in the interview test even though they had offered Hindi as the medium for interview test.

9. The applicants have filed a rejoinder also and have contended that the contents of the reply filed by the respondents are a deliberate attempt to twist the facts to mis-guide the Tribunal. They have denied that a competent interpreter is provided to assist the candidates. In their opinion, it is provided to assist the interview board only, as the members are not acquainted with the language the candidates have opted in the interview. They have also denied that the candidates were informed of the presence of the Interpreter before the interview commenced. They have further submitted that the eminence and repute of the Civil servant associated with the Boards is not relevant if a Member is not able to understand the candidate at all due to the barrier of language. They have highlighted the importance of language in assessing the qualities of the

Amritlal Patel

candidates. They have also not accepted the veracity of the submissions of the respondents that 42 candidates in the merit list had opted for Hindi as the medium of language and have stated that this statement is erroneous and baseless. They have insisted that perusal of the entire data relating to the examination will make it clear that the interview board had bias against the candidates who had opted for Hindi as their medium.

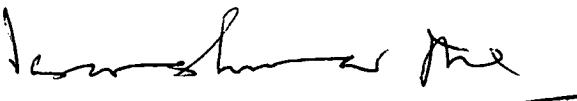
10. It is observed from the rival contentions of the two sides that, while the applicants had opted for Hindi as the medium both for the Main Examination as well as for the interview test and finally could not find their names in the merit list prepared on the basis of the written examination as well as on the interview test and have attributed the same to the bias on the part of the Interview Boards towards them on account of the fact that they had preferred Hindi as the medium of language for the interview test, the respondents are very clear in their submissions that an interpreter in the interview boards where candidates opting for Hindi or any other Indian language are interviewed, is provided to assist both the candidates as well as the Board, in the process encouraging the candidates to answer the questions in Hindi, as a part of the scheme of the examination and has been followed by them over the years. The respondents have also clarified that these Boards allegedly consisting of Members of the UPSC having no proficiency in Hindi, had, in fact, comprised Members with proficiency in Hindi and, therefore, in a way, the Boards would not have found it at all difficult to understand and appreciate the answers given by

the applicants in Hindi. Their job was certainly facilitated by the presence of well experienced interpreters from the Parliament of India who have been conversant with interpreting on the spot long and difficult parliament proceedings over the years. To argue that the applicants were awarded less marks in the interview tests on account of lack of sufficient knowledge of Hindi on the part of the two Members of the UPSC or on account of incompetence of the interpreters made available to assist the candidates as well as the Boards does not appear to be rational or logical particularly when it is also observed that the same Boards had awarded 60 - 70% marks to candidates who had opted for Hindi in the interview tests of the said examination. It is also not appreciated as to why the said Members of the Commission should have any bias against the candidates who had opted for Hindi as the medium when the said Hon'ble Members have been credited with very long years of association with the Civil Services Examinations and also that they have been interviewing candidates opting for Hindi as the medium of language for several years past. It is also not appreciated that the applicants are not prepared to accept the fact that 42 candidates have been declared successful with Hindi being the medium of their interview test and some of them having been interviewed by the Boards consisting of the two Members referred to by the applicants. Moreover, it is a well accepted fact that the Union Public Service Commission, which is a constitutional body and which has been assigned the task of conducting the Civil Services Examination, has been doing it all these years since its

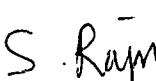
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constitution with absolute perfection and recognition as per the Scheme of the said examination. Doubting the integrity of its the Members by the applicants could be the out-come of ignorance of the relevant facts. Frustration resulting from failure to get finally selected for the Civil Services could perhaps also have contributed to the filing of this OA. While this can be appreciated with sympathy, it will not be proper on their part to condemn the system which has been well established based on definite rules and procedures.

11. Under the facts and circumstances of the case and after having heard the learned counsel for both the sides, we are, therefore, of the considered opinion that there is no merit in the case of the applicants and accordingly the OA is dismissed, with no order as to costs.


(SARVESHWAR JHA)

MEMBER (A)


(SHANKER RAJU)

MEMBER (J)

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