

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

ORIGINAL APPLICATION NO.170/00303/2019

DATED THIS THE 11th DAY OF DECEMBER, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Sri.Balakrishna S.M.
Aged about 36 years
S/o Sri.Manjappa Shetty
Residing at No.1 Ashraya Nilaya
Sriganda Nagar, Hegganahalli East
K.T.G.School Main Road
Bengaluru: 560091.

....Applicant

(By Advocate Sri M.Rajakumar)

Vs.

1. The Government of India
Represented by its Secretary
Ministry of Textile
North Block, New Delhi-110 001.
2. Member Secretary
Central Silk Board
CSB Complex, BTM Layout
Madiwala, Bengaluru-560068.
3. Rita Singh
Aged about years
Working as Trainee Scientist-B
Insect Breeding and Genetics
Central Silk Board, Federal Government Office
Sijubari Mazar Dargah Road
Hatifon Guwahati, Assam-781038.Respondents

(By Advocate Smt.K.R.Vanita for R2)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN)

The case of the applicant is that in response to the online advertisement dtd.11.11.2016 circulated in the Central Silk Board(CSB) website(Annexure-A1),

the applicant applied for the post of Scientist-B 'Insect Breeding & Genetics' on 25.10.2016 in OBC category along with necessary documents(Annexures-A2 to A12). He received intimation letter on 7.12.2017 regarding interview on 12.1.2018 in the 2nd respondent's office(Annexure-A13). The applicant had appeared and he became successful both in the written examination and interview conducted by the 2nd respondent. But it appears that the 3rd respondent was selected to the said post. Therefore, applicant has filed RTI application dtd.16.1.2019(Annexure-A14) requesting for withholding of the appointment order issued to the 3rd respondent until his RTI application is clarified by the authorities. Since the 2nd respondent did not respond to the said RTI, the applicant again filed RTI applications dtd.21.1.2019(Annexure-A16) & 14.2.2019(Annexure-A17) requesting the 2nd respondent for supply of the entire selection process along with appointment order if any issued to the 3rd respondent. In response to the same, the 2nd respondent had supplied only selection proceedings of committee and marks obtained by each candidate and failed to supply appointment order issued to the 3rd respondent(Annexure-A15). The applicant, through RTI, has again requested for the appointment order issued to the 3rd respondent as well as appointment of declined candidate, against the two posts reserved for OBC in which one Dr.K.R.Manjula and Sri.S.S.Mohan were selected and applicant and 3rd respondent are in waiting list. It appears that Dr.K.R.Manjula who was top in the said list has declined to accept the said post. However, the 2nd respondent selected and issued appointment order to the 3rd respondent in place of declined post but applicant was denied the said appointment order. The 2nd respondent vide endorsement dtd.26.2.2019(Annexure-A18) intimated that the information sought by the

applicant is related to personal information and hence not provided. Aggrieved by the same, the applicant has filed the present OA seeking the following relief:

“Call for the records relating to the impugned endorsement dated 05/02/2019 and 26/02/2019 vide no.CSB-63(2)/RTI/2010-ES.III (Vol VI) and selection for filling up 5 posts of Scientist-B (Insect Breeding and Genetic) (2 UR+ 1 SC+ 2 OBC) dated 12/01/2018 at Annexure-A15 and A18”.

2. The applicant submits that he has secured 24 marks in written test whereas the 3rd respondent secured only 20 marks. For academic qualification, no marks have been given to the applicant but the 3rd respondent has been given full marks out of 5 marks. On research publication, out of 10 marks, only 2 marks have been given to the applicant whereas the 3rd respondent is given 8 marks. For the experience, out of 20 marks, only 2 marks is given to the applicant and 6 marks is given to the 3rd respondent(Annexure-A5). The applicant had secured the total marks 21.50 and the 3rd respondent secured 22.25 marks. The committee had erred in not allotting equal marks in academic qualification, research publication and experience because both are having the same qualification and experience. After verifying the list of selected candidates and waiting list and marks obtained by each candidate, it has come to know that the 3rd respondent is a less meritorious candidate than the applicant. The applicant is better merited and he is entitled for selection in place of 3rd respondent. The 2nd respondent intentionally has failed to supply the appointment order of the 3rd respondent which itself shows that the selection made by the respondent is colourable and it shows favouritism.
3. The respondents, on the other hand, have submitted in their reply statement that for filling up of scientific posts under Central Silk Board, an advertisement was released in the Employment News of 15th to 21st October, 2016 inviting

applications for filling up of 6 posts of Scientific-C(in 5 specializations), 57 posts of Scientist-B (in 16 specializations) and 2 posts of Scientist-B (Reeling & Spinning). All the applications received in response to the advertisement were screened by duly constituted Screening Committees. The screened-in applicants were called for written test for short-listing the candidates for interview. After conducting the written test, the results were published in the official website of CSB for information of the candidates. As per the orders of the competent authority, the candidates for interview were short-listed in the ratio of 1:5. The applicant was one among the candidates shortlisted for interview for the 'Insect Breeding & Genetics' specialization against the post reserved for OBC category. The interview was conducted between 5th and 22nd January, 2018 and the interview for Scientist-B in the specialization of Insect Breeding & Genetics was conducted on 12.1.2018. Out of 14 candidates called for interview, 13 candidates appeared before the selection committee. Only 5 candidates belonging to OBC were available for being called for interview against the 2 posts reserved for OBC and out of 5 candidates called for interview, 1 candidate did not appear. As per Annexure-A15, 75% weightage was given for the written test marks and 25% weightage for the performance in the interview. The same criteria was uniformly followed for awarding marks in the interview. The selection committee interviewed the candidates and it could be seen from the applications of both the applicant and the 3rd respondent, Dr.Rita Singh that the 3rd respondent is a Doctorate (Ph.D) Degree holder with 3 years research experience and 4 Research Publications as First Author(Annexure-R1). The applicant is only having basic M.Sc. qualification and less than 1 year Research experience with only 1 Research Publication as Third Author. All these components have been

awarded marks at the time of interview. Further, the interview has been conducted by the Senior Scientists with vast Research Experience in the field and they have taken a conscious decision while making the recommendations keeping in view the criteria decided to be adopted. After completion of interview, the recommendations of the Selection Committee were kept in 'sealed covers'. A proposal seeking approval of the Administrative Ministry for the selection and appointment of the said Scientists was sent on 5.3.2018. Ministry of Textiles, GOI, New Delhi after detailed examination of CSB's proposal conveyed its approval for filling up of 6 posts of Scientist-C, 56 posts of Scientist-B and 2 posts of Scientist-B(Reeling & Spinning) vide letter dtd.26.9.2018. The list of selected candidates was also displayed on the website. Further appointment orders to the selected candidates were issued on 15.10.2018. Out of the 2 candidates selected and appointed to the post of Scientist-B in the 'Insect Breeding & Genetics' specialization against posts reserved for OBC category, one DR.K.R.Manjula failed to report for duty. With the approval of the competent authority, the panel candidate, Dr.Rita Singh(3rd respondent) whose name was placed in the first place after taking into consideration the overall ranking of the candidates was issued appointment order vide Memorandum dtd.26.12.2018(Annexure-R2). The applicant has submitted representation on 16.1.2019 for withholding the appointment order issued to the 3rd respondent. Hence, the question of withholding or withdrawing the appointment order issued to Dr.Rita Singh does not arise as the entire recruitment process has been conducted in the most transparent, open and fair manner and no violation in the recruitment rules has taken place. The total marks secured in the written test is not the criteria for making selection and issuing appointment orders. The

Scientist-B under CSB is a Group-A level Scientific post in Level-10 of VII CPC Pay Matrix. The selections for filling up of the said post has been done based on the rankings awarded by the Selection Committee based on the overall combined marks secured by the candidates both in written test and interview. Marks for each component in the interview have been awarded on fixed criteria uniformly followed in all the specializations. The Selection Committee has taken all aspects as could be seen from Annexure-A15, into consideration before awarding final rankings to the candidates. None of the candidates have expressed any grouse on the procedure followed for selection of candidates in the interview or written test. The applicant out of frustration for not having been selected and appointed is making all-out effort to put the blame on the selection process itself, which is incorrect.

4. The respondents submit that the qualification for the post of Scientist-B(Insect Breeding & Genetics) was Master's degree in Science or Master's degree in Agricultural Sciences. The applicant possesses M.Sc.(Biology). All the RTI applications received by the office are invariably replied to within the admissible time limit under the RTI Act, 2005. The CPIO under Section 8(1)(j) of the RTI Act, 2005 has rejected the request of the applicant for providing copies of the appointment orders as it contains address of the candidates. Further, the information sought related to personal information, the disclosure of which had no relationship to any public activity or any public interest, there exists no necessity or no obligation to provide such papers. However, the appointment order issued to Dr.Rita Singh vide memorandum dtd.26.12.2018 is enclosed with the reply at Annexure-R2. In case the applicant was not satisfied with the information furnished by the CPIO, he had the opportunity of appealing to the

First Appellate Authority and then to the Chief Information Officer. He had failed to exercise his rights. Instead of correcting his wrong actions, he is trying to put the blame on CSB which is not acceptable. Therefore, the applicant is not entitled for any relief and the OA is liable to be dismissed.

5. The applicant has filed rejoinder reiterating the submission already made in the OA and submits that the respondents without announcing the provisional selection list of candidates till now in their official website as can be found at Annexure-RJ1, they have selected the 3rd respondent. If there is transparency in the selection process, there is no difficulty to circulate the selection process and list of selected candidates in their official website. If the selected candidates refused to join duty, it will only follow the sealed cover procedure. When Dr.K.R.Manjula had failed to report for duty, the applicant being in 2nd place in the waiting list as per Annexure-A15, he should have been considered. But the respondents had considered the 3rd respondent. This clearly shows that there is no transparency in the entire selection process. As per the notification, the essential qualification is Master's degree in Science or Master Degree in Agriculture. Nowhere does it mention about the Ph.D as desirable and essential qualification for Scientist-B in the notification. The notification clearly shows that written examination is only criterion for selection for the post of Scientist-B Insect breeding and genetics. Admittedly, the applicant had secured more marks than the selected candidate. However, the selection committee has erred in not allotting the equal marks in academic qualification, research publication and experience because both the applicant and 3rd respondent are having same qualification and experience. As per Annexure-A15, one selected candidate Sri S.S.Mohan Raj without any research experience was allotted 8 marks for

research publication. Without performing research and without any experience, he couldn't get 8 marks for research publication. Thus the entire selection process is vitiated.

6. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. The respondents have produced the records in a sealed cover. The applicant assails the final selection of respondent No.3 on the ground that the minimum qualification prescribed for the said post was only M.Sc. and there is no mention that an advantage has to be given and extra marks to be given in case a candidate possesses Ph.D. For this reason, he says that even though respondent No.3 has Ph.D, since he has the minimum qualifications, he should be given the same marks as has been given for her educational qualifications. The respondents, on the other hand, have contended that this was uniformly adopted by the selection committee and they had given relevant marks for two candidates in the select list namely one Dr.K.R.Manjula and respondent No.3 as both of them were having doctorates compared to the other two namely the applicant and one Sri.S.S.Mohan Raj who only have M.Sc and therefore were not given any marks. Even in the notification at Annexure-A1, a general clause is available stating that the Board reserves the right to limit the candidates to be called for written test/interview on the basis of eligibility criteria like qualifications and experience higher than the minimum prescribed in the Advertisement. Therefore, the respondents cannot be faulted for treating the respondent No.3 and another person on a higher pedestal than the applicant since they have the higher qualifications and only if the reverse had been done can any objection be taken. We have seen the records relating to the selected candidates who were called for the interview and it is seen that the marks have

been uniformly awarded based on the research done, experience and number of research publications etc. The applicant is also given the same marks in the interview as was given to respondent No.3 and therefore, there apparently is no bias as alleged by the applicant. His other grouse is that he secured the highest marks in the written examination and therefore if he is given equal marks for his M.Sc. qualification which was the minimum, he would have got the better chance of selection. From the selection procedure adopted, we can see that the uniform marking for higher qualifications has been done and hence the Institute cannot be faulted for taking in a candidate with higher academic achievement, higher experience in research and higher number of research publications which is in tune with the objectives of the organisation. The other point which the applicant has made is that one of the selected candidates Sri S.S.Mohan Raj does not have any research publications but he has been given 8 marks for the same. We have gone through the selection committee records and find that Sri Mohan Raj has indeed the research publications to his credit and therefore, we cannot accept the contentions of the applicant.

7. For all the above reasons, the OA is dismissed being devoid of any merit. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.170/00303/2019

Annexure-A1: Copy of the advertisement

Annexure-A2-12: Copy of the online application, certificates and article

Annexure-A13: Copy of the interview letter
Annexure-A14: Copy of the request dtd.16.1.19
Annexure-A15: Copy of reply to RTI application dtd.21.1.2019
Annexure-A16: RTI application dtd.21.1.2019
Annexure-A17: Copy of RTI dtd.14.2.2019
Annexure-A18: Copy of reply dtd.26.2.2019

Annexures with reply statement:

Annexure-R1: A copy of the application of the 3rd respondent
Annexure-R2: A copy of appointment order No.CSB-5(12)/2016-ES.III dtd.26.12.2018
issued to 3rd respondent

Annexures with rejoinder:

Annexure-RJ1: Copy of the website information up to 11.9.2019
