

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1256/2001
MA 2763/2001

New Delhi, this the 13th day of December, 2001

Hon'ble Shri Govindan S.Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Surender Kumar Sharma
S/o Shri Rameshwar Dass,
R/o 3527/2, Narang Colony,
Tri Nagar, Delhi-110035.

...Applicant

(By Advocate Shri Sama Singh)

V E R S U S

1. Commissioner of Police
Delhi Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi-110002.
2. Addl. Commissioner of Police
(Establishment),
Delhi Police Headquarters,
I.P. Estate, M.S.O. Building,
New Delhi-110002.
3. Deputy Commissioner of Police,
Headquarters (Estt.), Delhi,
I.P. Estate, M.S.O. Building,
New Delhi-110002.

...Respondents

(By Advocate Shri George Paracken)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

The applicant is aggrieved that he was not selected as Head Constable (Ministerial) in Delhi Police, selection to which post he had sought.

2. Heard S/Sh. Sama Singh and George Paracken, learned counsel for the applicant and the respondents respectively.

3. The applicant applied for consideration for selection to the post of Head Constable (Ministerial) in Delhi Police for which 128 vacancies

- 64 UR, 13 ST and 51 OBC - were notified. He cleared his physical measurement test on 30.3.2000 and typing test on 18.5.2000. He had his written test on 24.9.2000 followed by the interview on 14.3.2001. However he was denied ultimate selection and his representation has not been heeded to. Hence this OA.

4. Grounds raised by the applicant are that

i) his non-selection was against his rightful expectations;

ii) he had a higher qualification (graduation) over the required qualification of Sr. Secondary Pass and he had fared well in all the tests;

iii) he was so sure of success having performed exceedingly well in the typing test, written test and the interview that his conscience was not considering the failure;

iv) there has apparently been excess quota given to OBC category, as their number should have been only 28 and not 51, as has been shown in the notification ;

v) there has been some improper diversion of posts from UR to OBC category which should not have been permitted ;

vi) the respondents have acted in an arbitrary and incorrect manner ;

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viii) the applicant's representation have not been answered properly ;

In the above circumstances, the application should succeed is the plea by Shri Sama Singh, learned counsel for the applicant.

5. fiercely contesting the applicant's case, Sh. George Paracken, learned counsel for the respondents, points out that in response to the advertisement for selection to the post of 128 HC (Ministerial) in Delhi Police, applications were filed by as many as 10315 persons, including departmental candidate. 9344 out of them were found eligible for taking the test, which was ultimately cleared by 443. They were interviewed by the Committee, consisting of one Addl. Commissioner and 2 Dy. Commissioners, and 128 (64 UR, 51 OBC & 13 ST) were selected for appointment. The applicant was among the 443 who reached up to the stage of interview but he did not make the grade in the final list of 128. His representation dt. 18.4.2001 against non selection has been duly replied on 15.5.2001. The candidates were selected strictly in accordance with their relative merit position in their respective categories. The result was also duly displayed on the Notice Board in the Headquarters Office. As the list of those who reached up to the stage of interview was a secret document it was not given to the applicant. Only those who made the grade in the overall selection were empanelled and no favour

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whatsoever was done to anyone. Selection was totally in tune with the Notification, which had indicated that out of 128 posts, 64 fell in UR category, 51 in OBC and 13 in ST, ^{2 in terms of the route maintained by the} No vacancy meant for any category was diverted to any other category as is being alleged. 128 people were selected in the ratio of 64 UR:51 OBC:13 ST. This was the position in terms of the advertisement and it remained so after the selection. As nothing incorrect or improper has at all taken place, no interference from the Tribunal was called for, argues Shri Parackan.

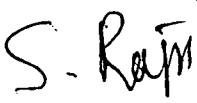
6. On examining the facts brought on record, we find that the applicant has not at all made out any case. Respondents had undertaken the recruitment process for selecting 128 Head Constables (Ministerial) for which as many as 10,315 individuals had applied. At the end of first shortlisting the number came down to 9344 and after the typing and written test, it was further reduced to 443. This 443 included the applicant as well. Final selection list of 128 candidates did not include him, which had led him to approach the Tribunal. A candidate, if he is eligible for consideration to the post advertised for, has the right for such consideration but nothing more. The applicant has been so considered, and in such consideration, he had also cleared the first two elimination rounds and had reached the group of 443, who had been cleared for the interview. He did not make the grade in the interview and was therefore not included in the list of 128 persons selected on merit, including 64 UR, 51 OBC and 13 ST, as indicated in the advertisement itself. The

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allegation by the applicant that there has been diversion of vacancies from UR quota to OBC quota has no basis at all and deserves out right rejection, as the selection of the candidates had followed the pattern of allocation of vacancies indicated in the advertisement i.e. 64 UR, 51 OBC and 13 ST. There has been no change in the distribution of post before and after the selection and that being the case, the applicant's allegation is totally mischievous. The applicant indicates that his conscience is not admitting his failure and non-selection. It is good to have confidence in one's own ability ^{but} ~~and~~ it should not be forgotten that in interviews, selection is made not by the candidate himself but by a body of experts, constituted for the purpose. In this case, apparently, the Selection Board, did not share the applicant's confidence in himself or his self-esteem. There the matter stops.

7. As noted above, the applicant has not made out any case for the Tribunal's interference. The OA, therefore, fails and is accordingly dismissed as being devoid of any merit. No costs.


(SHANKER RAJU)
MEMBER (J)

/vksn/


(GOVINDAN S. TAMPI)
MEMBER (A)