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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.3291/2001 &
M.A. NO.2733/2001

New Delhi this the 29th day of October, 2002.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.T.RIZVI. MEMBER (A)

Rajendra Kumar
S/o Shri Chhote Lal Meena
R/o 728, Sarswatipuram
New Campus, JNU,
New Delhi-67.

...Applicant

(By Shri J.N.Prasad, Advocate)

—versus—

1. Secretary, Staff Selection Commission
C.G.O.Complex
Lodi Road
New Delhi-110003.

2. Secretary
Department of Personnel & Training
North Block
New Delhi-110001.

.....Respondents

(By Shri S.M.Arif, Advocate)

O R D E R (ORAL)

JUSTICE V.S.AGGARWAL:-

MA No.2733/2001

We are satisfied with the grounds mentioned MA No.2733/2001 seeking condonation of delay in filing OA No.3291/2001. The MA is allowed.

OA No.3291/2001

Applicant (Rajendra Kumar) had appeared in the examination conducted by the Staff Selection Commission on 4.7.1999 (Preliminary Examination) for

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recruitment of Inspectors of Central Excise, Income Tax, Customs, Sub-Inspectors of Central Bureau of Investigation, Sub Inspectors in Central Police Organisation, Assistant Grade and Accountants etc. He qualified the same. It was followed by a combined main examination held on 21.1.2000 onwards. Applicant contends that he was declared successful. He belongs to the Scheduled Tribe category. 686 Scheduled Tribe candidates had qualified. 63 candidates were asked to appear for interview for the post of Assistant and Sub Inspector, Central Police Organisation. 21 candidates were called for interview for the post of Assistant and Inspector Income Tax, Central Excise and Central Bureau of Investigation. 44 candidates were called for Sub Inspector Central Bureau of Investigation and Inspector, Income Tax, Central Excise, Central Bureau of Investigation and 17 candidates for Central Police Organisation, Assistant, Central Bureau of Investigation, Income Tax and Central Excise.

2. The applicant was declared successful for the post of Sub Inspector, Central Police Organisation only. By virtue of the present application, the applicant challenges the action of the respondents to be discriminatory asserting that a large number of Scheduled Tribe candidates were called for interview for the posts of Assistant, Inspector Income Tax, Central Excise, Sub Inspector, Central Bureau of Investigation. As per the scheme of the examination,

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the successful candidates had to be named on basis of aggregate marks secured in written examination and interview but the respondents had made allocation only on basis of written examination. Thus by virtue of the present application, the applicant prays that the respondent No.1 (Staff Selection Commission) should be restrained from considering the applicant only for the post of Sub Inspector, Central Police Organisation on basis of written examination and a direction should be given that the applicant should be interviewed for all the posts and thereafter a final seniority list should be drawn on basis of the aggregate marks.

3. In the reply filed, the application has been contested. It has been admitted that a combined main examination was conducted for recruitment to:-

- "(i) Assistants in IFS(B), Railway Board, CSS, AFHQ etc.
- (ii) Preventive Officer, Examiner, Inspectors of Central Excise and Customs, Inspectors of Income Tax and Sub-Inspectors of C.B.I.
- (iii) Sub-Inspectors in C.P.Os.
- (iv) Divisional Accountant/Junior Accountants/ Auditors/U.D.Cs."

Previously separate examinations were conducted for various categories of posts. However, in the combined main examination, 1999, scheme of examinations was modified in order to facilitate setting of common question papers for some subjects. The recruitment process still remains different for different categories of posts which has been specified to be:-

- "i) For the post of Assistants, the candidate has to appear in Paper I, Paper III, Paper IV and Paper V. Candidates who qualify in the written test are required to appear at



the interview. Paper-I, though compulsory was of qualifying nature only for the post of Assistants.

(ii) For the posts of Preventive Officers, etc. and C.B.I., the candidates have to appear in Paper-I, II, IV and V. Candidates who qualify in written examination are required to appear at the interview.

(iii) For the post of Sub Inspectors in C.P.Os, candidates have to appear in Paper I, II, IV and V. Candidates who qualify at the written test have to appear at the Physical Endurance Test and only those candidates who qualify at the PET are called for interview.

(iv) For the post of Divisional Accountant/Junior Accountant/Auditors/UDCs etc. the candidates have to appear only in two papers. The candidates who qualify at the written test are directly nominated for appointment on the basis of Merit-cum-Preference."

Thus it is claimed that the scheme of examination/selection is different for different categories of posts. By way of elucidation, it has further been stated that for the post of Sub Inspector in Central Police Organisation as per the scheme, the candidates qualifying at the written test have to undergo Physical Endurance Test and only those candidates who qualify are called for interview.

4. So far as the applicant is concerned, it was contended that his performance was below the cut off fixed by the respondent No. I for the post of Assistants and Inspectors of Central Excise/Income Tax etc. even at the relaxed standards. Respondent No. 1 had the discretion to fix separate minimum qualifying standards in each of the papers as well as in each category. Since the applicant had not scored high marks, therefore, he was called for interview for the

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post of Sub Inspector in Central Police Organisation only.

5. The learned counsel for the applicant during the course of submissions highlighted the fact that in the advertisement that had appeared, there was no mention that only some of the persons who qualified would be called for interview. It was further urged vehemently that the advertisement clearly provides that the result would be declared on basis of the written examination and the interview and the same had not been done.

6. On careful consideration of the submissions so made, we find that the arguments advanced at the Bar by the learned counsel were totally devoid of any merit. There is no dispute that the advertisement that appeared forms the basis of the test and how the test had to be conducted. There can be no deviation. Copy of this advertisement that has appeared has been placed on the record. It clearly provides that firstly there was to a preliminary test followed by the combined main examination of those who qualified in the preliminary test. The written test had been conducted in January 2000. The note under paragraph 6 pertaining to the Scheme of combined main examination provides:-

"NOTE:

1. All the question papers for the main examination will be of conventional type.

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2. All the question papers except that of paper I and paper II will be printed both in English and in Hindi. The Commission will have the full discretion to fix separate minimum qualifying marks in each of the papers and in the aggregate of all the papers separately for each category of candidates (viz. SC/ST/OBC/PH/EX-S/UR). Only those candidates who qualify in all the papers as well as in the aggregate would be eligible to be considered for being called for the Personality Test."

Furthermore it provides that there should be a personality test of 100 marks. Paragraph 9 relates to selection of candidates and is being reproduced below for the sake of facility:-

"After the Exam and the Interview wherever applicable, the Commission will draw up All India merit list on the basis of the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by the Commission to be qualified shall be recommended for appointment upto the number of unreserved vacancies available."

The Commission will recommend the candidates in the merit list on the basis of the aggregate marks and option given by the candidates in col 17 of Application Form depending on the number of vacancies available. Once the candidate has been given first available preference, he will not be considered for the other options. However, Commission reserves the right to nominate the candidate to any post based on his merit position. THE CANDIDATES ARE ADVISED TO EXERCISE OPTIONS IN COL. 17 OF APPLICATION FORM CAREFULLY."

7. Reading both these paragraphs together would clearly show that the test had been so held for shortlisting the candidates. After the preliminary test, the combined main examination is held for the said post. It is not necessary that all those who qualified must be called for interview. The very purpose of holding the examination is to pick up cream

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and only those who are within the zone or likely to be selected should be called. In this process, every person who qualifies need not be called. *for the interview*.

8. On 25.9.2002, this Tribunal had directed the respondents to produce the results in a sealed cover. The respondents have produced the results. It clearly shows that the last candidate of the Scheduled Tribe category for the post of Assistant and for the posts of IT/CE/CBI had secured very high marks as compared to the applicant. Therefore, the applicant was rightly not called for interview for those posts.

9. As already referred to above, the scheme for the combined main examination had been modified. Though there is a combined examination, still there had to be different papers for different categories, reference to which has already been made above. It does not require reproduction. Once there are different papers for different categories besides some common papers and that the applicant had not secured enough marks, he was rightly not called for interview for certain other posts for which he craves to be so selected. In this backdrop, it would be inappropriate, therefore, for the applicant to urge that any injustice has been caused to him.

10. As a results of the reasons given above, the application must be held to be without merit. It must

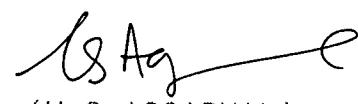
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fail and is accordingly dismissed. No costs.

Announced.


(S.A.T. RIZVI)

MEMBER (A)


(V.S. AGGARWAL)

CHAIRMAN

/sns/