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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1565 of 1995

New Delhi this the 18th day of September, 1995.

Hon'ble Shri B.K. Singh, Member(A).

Hon'ble Mrs. Lakshmi Swaminathan, Member(J).

Smt. Murti Devi Dabas,
W/o Late Shri Attar Singh,
R/o H. No. 383, V&P.Kanjhawala,
Delhi.

... Applicant.

By Advocate Shri B. Goswami.

Versus

1. Delhi Administration, Delhi,
through Secretary,
Department of Social Welfare,
5, Alipur Road,
Delhi.
2. The Director,
Directorate of Social Welfare,
Delhi Administration, Delhi,
Curzon Road,
Delhi.
3. Mrs. Shakuntla Sharma,
W/o Shri Kanti Prasad,
R/o 56, L-Block,
Mangolpur,
Delhi-83.
4. Smt. Shashi Bala,
W/o Shri Vijender Singh,
R/o Bada Mangolpur Kalan,
Delhi-83.

By Advocate - None.

ORDER (ORAL)

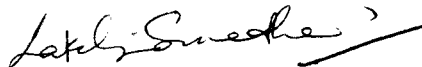
Hon'ble Shri B.K. Singh, Member(A).

Heard the learned counsel for the applicant.

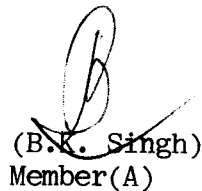
The short question involved is whether the court can sit and decide which candidate is more qualified and more experienced and which is not and whether it can sit as an appellate body over the acts and proceedings of the selection committee.

Para 9 of the letter addressed to Secretary, Social Welfare states that the applicant has come to know from confidential sources that the candidates selected are less qualified and less experienced than the applicant. It has been further stated in the notice that as far as the qualification is concerned, the applicant is more qualified than Mrs. Shakuntla Sharma. In the last line it has been stated that the applicant is B.A. whereas Mrs Shakuntla is only a Matriculate. The qualification laid down is that even a Matriculate is eligible with 11 months training as Bal Sevika or Anganbari worker. This notice does not challenge the experience. It only lays stress on the fact the applicant is a graduate and the persons selected particularly Mrs Shakuntla Sharma is a Matriculate only. It nowhere mentions that she does not possess the experience. The alternatives given are that a candidate with Matriculate Certificate is eligible to be appointed. In response to this notice, the respondents have also given a reply stating that the selection of the Supervisors was made by a duly constituted staff Selection Board on merit and in accordance with the rules and regulations including the policy of reservation in force. Since Smt. Murti Devi was not selected by the board, it is not possible to appoint her as Supervisor in this department. Besides, there is no rule which gives preference to widows and as such the question of adopting that criteria in the case of applicant and others does not arise. It implies that no weightage has to be given to widows in matters of selection. The learned counsel for the applicant nowhere disputes the fact that the Board was duly constituted or the selection was vitiated by any malafide. In case

of Maj Gen IPS Dewan Vs. Union of India, the Hon'ble Supreme Court have held the view that the Courts are not to sit as an appellate body over the proceedings of the Selection Board. A similar view was held in case of Ashish Mukerjee Vs. State of Bihar ^{(1975) 38 CC 602}. This being so, we do not find any ground to interfere with the selection. It is not for the Courts to judge the suitability, qualification and experience. It was held by the Hon'ble Supreme Court in AIR 1990 SC 535, (Rangaswamy Vs. State of A.P. that the Courts must refrain from looking into or assessing the validity of qualifications and experience prescribed by the competent authority and if a particular qualification is hurting the candidates the proper course is to approach the authorities and not to approach the Courts. In the light of these judgements of the Hon'ble Supreme Court we decline to interfere. The application is dismissed at the admission stage itself. However, the applicant is free to approach the competent authority to canvass her case.



(Smt. Lakshmi Swaminathan)
Member(J)



(B.K. Singh)
Member(A)

'SDS'