

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.1054/1995

(23)

New Delhi this the 15th day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Ms. Arundhati Banerji  
D/O Late A.K. Banerji,  
R/O S-1/32, Sadiq Nagar,  
New Delhi.

... Applicant

( None present )

-Versus-

1. Union of India through  
Secretary, Department of Culture,  
Ministry of Human Resource Development,  
Shastri Bhawan, New Delhi.

2. Director-General,  
Archeological Survey of India,  
Janpath, New Delhi-110011.

3. Union Public Service Commission  
through its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi.

... Respondents

( By Shri N. S. Mehta, Advocate )

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant as also her advocate were absent on 2.11.1999 when the present application was called out for hearing and final disposal. In view of their absence, the application was adjourned for today.

When the matter <sup>is</sup> ~~was~~ called out today, they <sup>are</sup> ~~were~~ absent today as well. In the circumstances, we have heard Shri N. S. Mehta appearing on behalf of respondents and we accordingly proceed to dispose of the O.A. on merits as provided under Rule 15 of C.A.T. (Procedure) Rules, 1987.

(24)

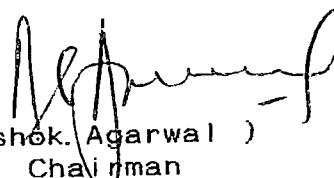
2. By the present O.A., applicant who seeks appointment to the post of Superintending Archeologist seeks a direction to the Union Public Service Commission (UPSC) to relax the qualification for appointment to the said post. As far as the applicant is concerned, she passed her Ph.D. in Archeology. She, however, does not possess a second class Master's degree in Indian History/Archeology/Anthropology with knowledge of Stone Age Archeology/Geology with knowledge of Pleistocene Geology, as required. Aforesaid Master's degree in second class of a recognised university is a requisite essential for appointment as Superintending Archeologist as a direct recruit. In our view, whether to grant relaxation in a particular case or not to grant such a relaxation is entirely the domain of the UPSC. In the circumstances, we find that no directions can be issued as prayed for. Prescribing qualifications is the domain of the UPSC. Similarly, grant of relaxation is also the domain of the UPSC. The Tribunal cannot usurp the said function upon itself.

3. The mode of recruitment and the category from which the recruitment to a service should be made are all matters which are exclusively within the domain of the executive. It is not for judicial bodies to sit in judgment over the wisdom of the executive in choosing the mode of recruitment or the categories from which the recruitment should be made as they are matters of policy decision falling

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exclusively within the purview of the executive. (See the case of State of Andhra Pradesh v. V. Sadanandam & Ors., AIR 1989 SC 2060).

4. In view of the foregoing discussion, we find that the present application is devoid of merit and the same is accordingly dismissed. There will, however, in the facts and circumstances of the case, be no orders as to costs.

  
( Ashok Agarwal )

Chairman

  
( R. K. Ahooja )

Member (A)

/as/