

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

D.A. No. 2520/96

This the 2nd day of April 1997.

(5)

HON'BLE SHRI S.R. ADIGE, MEMBER(A).

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J).

Hakim Syed Ahmed
S/o Shri S.K. Hussain,
R/o 84/4, Hauz Rani,
New Delhi

..... Applicant

(By Advocate Shri S.S. Tiwari)

Versus

Union of India through
Secretary,
Union Public Service Commission,
Dholpur House,
Shahjehan Road,
New Delhi

..... Respondents.

(By Advocate Shri M.M. Sudan)

Judgement

By Hon'ble Shri S.R. Adige, Member(A).

Applicant is aggrieved by his not being called for interview for the post of Medical Officer (Unani) in CGHS vide UPSC advertisement dated 13.01.96 (Annexure-C).

2. Admittedly applicant possesses the qualifications for the post as per the Recruitment Rules and the advertisement. Although he was allotted Roll No. 326 ^{that} respondents state he was not called for interview, because for 3 posts of Medical Officer (Unani) which were advertised (2 general and 1 reserved), they received as many as 445 applicants, and as it was not possible

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or convenient to call all these candidate who had applied, they prepared a short list of 20 candidates for the 2 unreserved posts (and 1 candidate for the reserved post) based on objective and equitable criteria and applicant was not included amongst those short listed. Respondents have specifically invited attention to that portion of the advertisement which makes clear that the prescribed essential qualifications are the minimum and mere possession of the same does not entitle a candidate to be called for interview, and which permits them to restrict the number of candidates to a reasonable limit on the basis of their qualifications and experience, which are higher than the minimum prescribed in the advertisement.

3. Shri Tiwari has contended that the criteria adopted by respondents for short listing, puts those shortlisted in the category of specialists while the present post is for a general list Medical Officer and hence applicant's exclusion was arbitrary. Reliance has been placed on rulings in M.K.Sharma Vs. UPSC SLJ 1992 (1) CAT 27 and N.Mishra Vs. Paintal 1990(2) SCC 746.

4. We are unable to agree with these contentions. There are a catena of judgments, some of which have been referred to in respondents' reply which permits UPSC to short list the candidates on objective and equitable criteria where the number of candidate possessing the essential qualifications is much larger than the number of vacancies available. The advertisement dated 13.1.96 itself made it clear that the essential qualifications were the minimum prescribed, and would not entitle a candidate to be called for

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interview, and permitted the UPSC to shortlist candidates. In addition, respondents' counsel have cited the Hon'ble Supreme Court judgment in Madhya Pradesh Public Service Commission Vs. N.Poddar JT 1994 (6) SC 302 which in our view is a complete answer to the legality of the respondents' action, and the rulings relied upon by Shri Tiwari do not help the applicant. Under the circumstance the matter does not warrant any judicial interference.

5. In compliance with our interim direction dated 6.12.96 we are informed that the applicant was provisionally interviewed and his results have been kept in sealed cover but as we have held that the matter does not warrant any judicial intervention, no separate orders are required on applicant's provisional interview taken by respondent.

6. The OA is dismissed. No costs.

Lakshmi

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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(S. RADIGE)
MEMBER(A)

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