

7

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 363/2000

New Delhi this the 3rd day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

M. Akhtar Said
S/o Shri Sayeed Azami,
R/o T-838, Basti Hazarat Nizamuddin
New Delhi.

...Applicant

(By Advocate: None)

Versus

1. Union of India

through its Secretary
Home Ministry,
Govt. of India,
North Block
New Delhi.

2. The Secretary,
Union Public Service Commission,
Shahajahan Road,
New Delhi.

3. Mr. M.P. Revenkar
Asstt. Cameraman, Film Division,
CGO Complex, New Delhi.

...Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

None has come present on behalf of the applicant. We proceed to dispose of this application under Rule-15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The grievance of the applicant is that he has not been called to appear in the interview held on 24.2.2000 for the post of Deputy Director in Directorate of Film Festivals, Ministry of Information and Broadcasting, New Delhi. The

[Signature]

applicant has alleged that various other candidates who were junior than the applicant have been interviewed and the applicant has been discriminated against. Applicant belongs to OBC category. The applicant claims that he belongs to OBC category and is at present working as Photographic Officer in the Photo Division, Ministry of Information & Broadcasting. He has sought that he should be interviewed for the post of Deputy Director in Directorate of Film Festival.

3. As per the counter, two posts of Dy. Director in the Directorate of Film Festivals were advertised in the Employment News dated 27th Feb.-5th March, 1999. One of these posts is reserved for OBC. The essential qualifications for the post is as under:-

"A) Educational

i) Degree of a recognised University or equivalent.

ii) Knowledge of Indian History, Culture and Current Affairs.

B) Experience

4. Six years experience in the field of arts, including films and theatre in a supervisory capacity in a Government Department or a Public Sector Undertaking concerned with cultural promotion or advertising or private organisations engaged in organised artistic and cultural activities." In response to Commission's advertisement, 166 applications (including 46 applications from OBC candidates) were received. The application of the applicant was also received and he was allotted Roll

No. 72. According to the respondents, as the number of candidates possessing 6 years experience in the fields of arts, including films and theatre in a supervisory capacity in a Government Department or a Public Sector Undertaking concerned with cultural promotion or advertising or private organisations engaged in organised artistic and cultural activities were many, the Commission decided to shortlist the candidates by counting experience after acquiring Essential Qualification i.e. Degree of a recognised University or equivalent. Keeping in view the ^{requirement of} six years experience in a supervisory capacity, experience of the applicant as a Lab Assistant was not treated as relevant and as such, his candidature was rejected as lacking Essential Qualification(B) and he was not called for interview on account of lack of experience as per Preliminary Scrutiny i.e. Short-listing Criteria. The respondents have stated that the Union Public Service Commission is a Constitutional body which is vested with powers to devise the manner of selection of which the reasonable qualifications of various applicants on the basis of their qualification and experience is an integral part. These powers of the Commission for reasonable classification have been upheld by various Judicial Authorities including the Hon'ble Supreme Court of India. The respondents have relied upon judgment dated 9.4.97 ^{of the Hon'ble Supreme Court} in Civil Appeal No. 44/1990 filed by the Union of India & Anr. Vs. T. Sudaraman & others have held as under:-

"Note 21 to the advertisement expressly provides that if a large number of applications are received, the Commission may shortlist candidates for interview on the basis of higher qualifications

although all applicants may possess the requisite minimum qualifications. In the case of M.P. Public Service Commission V. Navnit Kumar Potdar & Anr. JT(1994) 6 SC 302 this Court has upheld shortlisting of candidates on some rational and reasonable basis. In that case, for the purpose of shortlisting, a longer period of experience than the minimum prescribed was used as a criterion by the Public Service Commission for calling candidates for an interview. This was upheld by this Court. In the case of Govt. A.P. V.P. Dilip Kumar & Anr. JT(1993) 2 SC 138 also this Court said that it is always open to the recruiting agency to screen candidates due for consideration at the threshold of selection by prescribing higher eligibility qualification so that the field of selection can be narrowed down with the ultimate objective of promoting candidates with higher qualifications to enter the zone of consideration. The Procedure, therefore, adopted in the present case by the Commission was legitimate".

5. The respondents have denied that respondents No. 3 is junior to the applicant and does not fulfil the criteria of the post for which he has been called for interview. According to the respondents, respondent No. 3 fulfilled the short-listing criteria devised by the Commission for interview. We have heard the learned counsel of the respondents and carefully considered the material available on record.

6. Learned counsel of the respondents drew our attention to Annexure A-5 which is a certificate given by Asstt. Administrative Officer, on 10.5.1999 in favour of the applicant in which it has been certified that the applicant has been employed in the Film Division as Laboratory Assistant with effect from 3.10.1988. The nature of duties attached to the post of Laboratory Assistant are as under:-

W

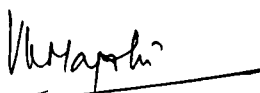
11

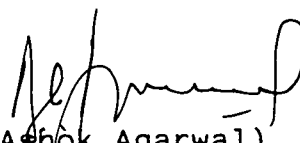
"To execute various processing orders and checking of film prints to maintain the quality with full responsibilities under the supervision and guidance of Laboratory Supervisor".

7. Learned counsel of the respondents maintained that the experience of the applicant as Laboratory Assistant in the Film Division cannot be taken into cognizance ^{as} relevant experience as prescribed in the concerned advertisement for the post of Dy. Director.

8. In our view, the UPSC in discharge of their Constitutional obligations have full powers to devise the manner of selection of which the reasonable qualifications of various applicants on the basis of their qualification and experience ^{is an integral part} _{h₂} We are of the view that the respondents were within their right not to consider the experience of the applicant as a Lab Assistant relevant ^{for h₂} ~~from~~ the advertised post.

9. In the facts and circumstances of the case, we find the OA devoid of merit and dismissed ~~ed~~ the same accordingly. No costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

cc.