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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. 1964/89

New Delhi, this the 18th Day of May, 1994.

HON'BLE SHRI N.V. KRISHNAN, VICE CHAIRMAN (A)

HON'BLE SMT LAKSHMI SWAMINATHAN, MEMBER (J)

Shri S.S. Saini

S/o Shri Narain Singh Saini,

Senior Translator,

Department of Economic Affairs,

Ministry of Finance,

Hindi Section, North Block,

NEW DELHI.

....Applicant

By Advocate : Y.R. Malhotra, though not present

Union of India, through the

Secretary to the

Government of India,

Department of Official Languages,

Ministry of Home Affairs,

NEW DELHI

Secretary,

Union Public Service Commission,

Dhaultpur House,

Shahjahan Road,

NEW DELHI.

...Respondents

By Advocate : Shri M.K. Gupta, Addl Standing Counsel

ORDER (Oral)

HON'BLE SHRI N.V. KRISHNAN, VICE CHAIRMAN (A)

This case is listed at Serial No.3 under
^{a and}
Regular Matters ^{is} placed in the Cause List with a
note to the Counsel that the first 10 cases are fixed
for peremptory hearing. None appears for the applicant,
though called twice. Shri Mukesh Gupta, Addl Standing
Counsel put in appearance on behalf of the respondents.
In the circumstances, after hearing the learned counsel
for the respondents, we proceed to pass this final
order.

2. The applicant had prayed that the impugned select-
ion made by the Respondent No.2 in pursuance of Advertis-
tment No.1, Item No.5, for the post of 23 Assistant
Director Grade III for the Department of Official language
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be quashed and the applicant be given an opportunity to be considered for the post of Assistant Director Gr.III, direct recruits.

3. The grievance of the applicant is that though he applied for recruitment to the post of Assistant Director Grade III, yet he was not called for interview, whereas, many of the candidates who applied with the applicant, were informed about the interview conducted by the Union Public Service Commission (UPSC), Respondent No.2.

4. It is stated Shri Brij Mohan Mishra, a Senior Translator, in the Ministry of Petroleum and Chemicals was called for interview, though he was less experienced and less qualified than the applicant.

5. The applicant has a further grievance that the U.P.S.C. does not have the right to short-list candidates for interview. It is the bounden duty of the U.P.S.C. to interview all candidates who are eligible for consideration and who have applied for the said post.

6. A ground is also taken that direct recruitment has to be only by holding an examination and not by interview.

7. The respondents have filed a reply contesting these claims and have urged that the application has no substance and deserves to be dismissed.

8. We have heard the learned counsel for the applicant and perused the record.

9. Having applied for the post in response to an advertisement, which did not stipulate written examination as a method of recruitment, the applicant cannot now claim that recruitment ought to have been only by holding an examination. In any case, we are of the view that when an authority is given the freedom to make direct recruitment through an examination, the method of examination can be chosen by that authority. Examination does not necessarily mean written Examination only. It can also be an interview.

10. The instructions issued by the U.P.S.C. to the candidates for recruitment are at Appendix-B of the reply of the Second Respondent (UPSC). Para-21 of these instructions read as follows :-

"The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview. Where the number of applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit on the basis of qualifications and experience higher than the minimum prescribed in the Advertisement or by holding a Screening Test."

It is thus clear that where the number of applications received is large, the U.P.S.C. can resort to short-listing the candidates to be called for interview. It is in this process that the applicant has not been called for the interview.

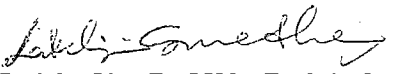
11. In so far as the case of Brij Mohan Mishra is concerned, the Second respondent (U.P.S.C.), has replied that the said candidate was inadvertently

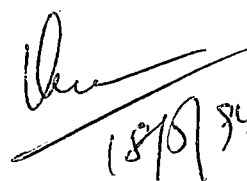
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called for an interview on the misapprehension that he was a Scheduled Caste. On the date of interview, it was verified that he was not a Scheduled Caste and accordingly, his candidature was cancelled and he was not interviewed, though a letter calling him for interview had been issued.

12. In the circumstances, we find no merit in this O.A.1964/89, and the same is dismissed.


(SMT LAKSHMI SWAMINATHAN)
MEMBER (J)


18/6/84
(N.V. KRISHNAN)
VICE CHAIRMAN (A)

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