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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No.880/88

Date of decision:

17th Sept., 1993.

Dr.A.K.Roy.. . . . . Petitioner.

Vs.

Union of India .. . . . . Respondent.

Coram:

Hon'ble Mr B.N.Dhoundiyal, Member(A)

Hon'ble Mr B.S.Hegde, Member(J)

For the applicant: None.

For the respondent: None.

JUDGMENT (ORAL)

( By Hon'ble Mr B.N.Dhoundiyal, Member(A) )

None is present even though the case has been fixed pre-emptorily for final hearing. We, therefore, proceed on the basis of records available with us.

2. The main grievance of the applicant is that the Union Public Service Commissioner (UPSC) had called general candidates for recruitment to the post of Professor of Economics in the Lal Bahadur Shastri National Academy of Administration Mussoorie, even though the applicant, who is a Scheduled Caste candidate had earlier applied for the post, which was reserved for SC/ST candidates. He claims that he fulfills the qualifications prescribed for the post in all respects and should have been considered alongwith other Scheduled Caste candidates before the post was de-reserved.

3. The respondents have stated that though the petitioner had obtained Ph.D in Agricultural Economics, yet he did not fulfil second part of the essential qualification, that is, 10 years' experience in teaching and/or research. In respect of applicant's various appointments since 1972, it was noticed that his tenure as Assistant Manager in D.M.S. from January, 1975 to September, 1975 and as Dy. Director in R.E.C.Ltd., from December, 1981 to January, 1983 was not considered by the Committee as relevant to be counted as experience for the job. The only period which qualified under this heading was his tenure as a co-scientist from September, 1975 to December, 1981. He was therefore, given credit of 6 years and 3 months period. This was short of the described requirement of 10 years and he was declared ineligible for interview.

4. In his rejoinder, the applicant had sought the benefit of note 2 to the condition given in the advertisement No.44 of 31.10.1987(Annexure A), that is, qualification regarding experience are relaxable in case of candidates belonging to Scheduled Caste. However, we are of the opinion that such relaxation cannot be claimed as a matter of right. It is for the competent authority to decide whether in a given case, such relaxation is permissible or not. In this case, the competent authority is U.P.S.C., who, did not deem it fit to grant relaxation.

5. We, therefore, do not find any merit in

the Original Application, which is accordingly dismissed. There will be no order as to costs.

*B.S.Hegde*  
(B.S.Hegde)

Member(J)

*B.N.Dhoundiyal*  
(B.N.Dhoundiyal) 11/9/53

Member(A)