

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

OA No.730/2016

This the 25th day of February, 2021

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Ms Akansha Chhailbihari Saxena.
Ms A C Saxena,
Daughter of Shri Chhailbihari Saxena,
Resi. Of 60/B Shantiniketan Society,
'D' Cabin, Sabarmati Ahmedabad
Dist: Ahmedabad Pin: 380019.

... Applicant

By Advocate Shri M B Navani

V/s

- 1 Union of India Through
The Director,
Space Application Centre (I.S.R.O.),
Satellite, Ahmedabad – 380015.
- 2 Head PGA-The Personal and General Administration
Head Space Application Centre (I.S.R.O.),
Satellite, Ahmedabad – 380015.
- 3 The Director HRDD,
Space Application Centre (I.S.R.O.),
Satellite, Ahmedabad – 380 015. ... Respondents

By Advocate Ms R R Patel

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

- 1 The present application has been filed under Section 19 of AT Act seeking following reliefs:

“(i) The Respondent Authority please be directed to issue Call Letter to the applicant for the interview convened from 05.12.2016 to 17.12.2016 as they have not considered her candidature though she is more educationally qualified than other candidates who are shortlisted for the interview.

(ii) The Respondent Authority be directed, what criteria adopted by them for consideration of eligibility for candidature for the post for which they published

advertisement. As whatever eligibility criteria prescribed by them in advertisement are not specifically taken into consideration by them while shortlisting candidates for the interview are not specified. As they have selected the candidates for the interview randomly as informed by their own official. Therefore they may please be directed to specify the criteria adopted by them for shortlisting the candidates.

(iii) Any other suitable relief be please granted.”

2 The applicant had submitted her online application for post code No.4 i.e. post of Scientist/Engineer (Computer Science), pursuant to advertisement dated 06.08.2016 published by the respondents for filling up vacant posts at Space Application Centre, Ahmedabad (Ann. A/1 & A/2). According to the applicant, she possessed degree of M.E. in computer Engineering with 9.06 CPI (Cumulative Performance Index) = 85.6% as also pre-eligibility qualification of Bachelor in Computer Engineering with 8.49 CGPA (Cumulative Grade Point Average), accordingly she met with the requisite educational qualifications as prescribed in the advertisement. It is the say of the applicant that though she has highest marks-percentage, her name was not included in the short-listed candidates published on 12.11.2016 (Ann. A/13). Aggrieved by the said list, she filed the present OA..

3 On perusal of material on record it reveals that initially this Tribunal vide order dated 08.12.2016 granted interim relief in terms of para-16 and 17 of the said order, which reads as under:-

“16. The simple grievance of the applicant is that when the respondents while interviewing six other candidates who have secured lower marks in the qualifying examination, cannot ignore her candidature and as such, she is entitled to be interviewed. Therefore, in the fitness of the facts and circumstances of the case, as an ad-interim measure, the respondents are directed to fix a date for the personal interview of the applicant and the same shall be communicated to the applicant within ten days from the date of receipt of a copy of this order. She shall be interviewed in the same manner as has been already done in the case of the said 80 candidates. The result of the same shall be kept in a sealed cover. The whole exercise shall be completed on or before 31-12-2016, unless in the meanwhile, the time limit fixed herein is extended for any genuine reason.

17. In the interregnum, the respondents are directed not to publish the final select list in respect of Post Code No.4 pursuant to the notification dated 06-8-2016 vide Annexure A-I”

4 It is further noticed that aggrieved by the aforesaid interim order passed by this Tribunal, the present respondents had approached the Hon’ble High Court of Gujarat by way of SCA No.21340 of 2016. The Hon’ble High Court vide order dated 22.12.2016 stayed the implementation of para 16 of

the impugned order dated 8.12.2016 by way of an ad interim measure. It is noticed that said SCA was disposed of vide order dated 20.09.2017 (R/5) with direction to this Tribunal to finally decide and dispose of the present OA at the earliest and preferably on or before 31.12.2017 and further ordered that the ad interim relief granted earlier by the Division Bench of the High Court is directed to be continued till final disposal of the main OA. It is also observed by the Hon'ble High Court that the same shall be without prejudice to the rights and contentions of the respective parties in the main OA.

5 Thereafter, the OA was taken up for final hearing by this Tribunal and the order was kept Reserved on 21.02.2018. However, before the judgment could be pronounced, the then Hon'ble Members of the Tribunal who had heard the matter retired from service and thereafter due to non availability of Division Bench in the Tribunal the case could not be taken up for re-hearing and remained undecided. For the very said reason, the applicant again approached the Hon'ble High Court by way of filing SCA No.18803/2019. The said SCA was disposed of by order dated 29.01.2021 with a direction to this Tribunal to decide the OA within a period of ten weeks from the date of receipt of copy of the said order. Accordingly, the matter has been taken up for final hearing by this Tribunal.

6 Learned counsel for the applicant Shri M B Navani mainly submitted as under:-

6.1 The applicant having education qualification of B.E. in Computer Engineering with 8.49 CGPA (Cumulative Grade Point Average) and M.E. in Computer Engineering with 9.06 CPI (Cumulative Performance Index), both the degrees awarded to her by Gujarat Technological University. (Ann. A/8 & A/9).

6.2 She had applied for the Post Code- 04 : Scientist/Engineer (Computer Science) pursuant to advertisement published on 06.08.2016 by the respondents.

6.3 The list of candidates short listed for the interview in response to said advertisement was published online on the night of 12.11.2016 (Ann. A/3). According to the said list short-listed candidates were called for interview during 05.12.2016 to 17.12.2016. However, in the said list the name of applicant was not included. Therefore, she had filed online representation dated 14.11.2016 before Director, HRDD, SAC, Ahmedabad followed by another representation dated 16.11.2016, 23.11.2016 and 26.11.2016 (Ann. A/5 to A/7).

6.4 It is stated that in the said representation the applicant has drawn the attention of the respondents that the Note No.3 of the advertisement which reads as under:-

“Candidates possessing M.B.A./M.E./M.Tech. should be in First Class with an aggregate minimum of 60% marks or CGPA/CPI grading of 6.5 on 10 Scale average of all semester and pre-eligibility qualification B.E./B.Tech/M.Sc. should also be in First Class with an aggregate of 65% marks or CGPA/CPI grading of 6.84 on a 10 Scale (average of all semesters) from Govt. recognized institutions/University.”

as the applicant had secured 86.2% in SSC, 88.2% in HSC. She got 8.49 CGPA in B.E. in Computer Engineering and 9.06 CPI in M.E. She is topper in all respects and therefore she is entitled to be included in the list for granting personal interview.

6.5 It is submitted that in reference to her online representation dated 26.11.2016 no written reply was given, however, she was informed telephonically by the O/o. SAC that the criteria for short listing candidates has been separately decided by the interview committee. But, the applicant came to know that candidates short listed were not according to their eligibility as prescribed under the advertisement, but were randomly short listed by the respondents. Hence, the applicant has filed the present OA.

6.6 It is submitted that the applicant had completed internship program at the National Fusion Program from 28.06.15 to 28.06.16 at Institute of Plasma Research at Gandhinagar. It is further submitted that the applicant is more educationally qualified than other candidates who were short listed for the interview. The respondent had called the

candidates for interview who had lessor marks than the applicant. Though the applicant fulfills all the eligibility criteria, she has been deprived of fair consideration for screening/interview for the post she applied. Therefore the decision of the respondents to exclude her from the impugned listed dated 12.11.2016 vide Ann. A/3 and not call her for interview is unjust, arbitrary and contrary to the terms and conditions stipulated in the advertisement.

7 Per contra the respondents have filed their detailed reply and denied the claim of applicant. Learned Standing Counsel for the respondents Ms. R. R. Patel mainly submitted as under,

7.1 The method of selection to the post of Scientist/Engineer -SC by open advertisement on All India basis. Accordingly advertisement dated 06.08.2016 (Ann. R/4) was released by ISRO Ahmedabad on All India basis inviting online applications for various group in which the post of Post Code 04 i.e. post of Scientist/Engineer-SC (Computer Science).

7.2 Essential qualification for the said post was prescribed as M.E/M.Tech in Computer Science with first class and pre-eligibility qualification of B.E/B.Tech (Computer Science/Information Technology) with 65% marks or CGPA grading of 6.84 on a 10 Scale (average of all semesters) from Government recognized institutions/University.

7.3 It is submitted that under the head of “Important Information” at page 8 of the advertisement, the item No.8 at page No. 9 clearly mentions that the qualifications prescribed for the posts advertised are the minimum requirement and the same does not automatically make the candidates eligible for written test/skill test/personal interview (as the case may be). Initial screening based on the data furnished in on-line application will be done and only “Screened-In” candidates will be called for further selection process at Ahmedabad. In other words, mere possession of required qualification as specified in the advertisement does not entitle the applicant to be called for interview.

Further, since the sole element of selection is based on personal interview, screening of application based on the guidelines were essential.

- 7.4 It is submitted the short listing of candidates for interview was done by screening committee adopting the screening criteria. The online applications were scrutinized by the duly constituted screening committee based on the screening guidelines issued by the competent authority vide order/note dated 22.08.2016 (Ann. R/6), the screening criteria adopted by screening committee for the Post Code 04 are as follows:-

“The candidates having higher marks amongst applicants from same University/State Board will be first level criteria of screening. The number of candidates having higher marks from each University/State Board will be selected in proportion to the number of applications received from same University/Board.”

- 7.5 It is submitted that the applicant was among 2750 candidates who applied for the above post online. By following the prescribed criteria, the screening committee has screened 80 candidates from different universities, out of which seven candidates were from Gujarat Technical University against 13 vacancies, the cutoff marks of the candidates passed out from the Gujarat Technical University was fixed at 88.9% for the general category candidates. As the applicant herein applied in general category and had scored only 85.6% marks (9.06 CPI) in her M.E. degree examination from the Gujarat Technical University, her application was screened out.
- 7.6 The respondent had called 80 candidates for interview out of which 39 candidates reported. The Committee had interviewed 30 candidates who were fulfilling the screening criteria on verification of their original mark sheets/testimonials the select panel for the post was drawn and ready for operation.
- 7.7 It is submitted that the mode of recruitment for the post in question was through open advertisement on all India basis and the selection of the candidate was by way of personal interview only. Therefore, the

respondents are duty bound to ensure fair representation to candidates belonging to all states/universities spread across India. The screening was carried out by the duly constituted Screening Committee as per the prescribed guidelines. Therefore, it is incorrect on the part of applicant to state and allege that the candidates were shortlisted not according to the eligibility but randomly shortlisted for Screening/interview.

- 7.8 It is also submitted that fixing of cutoff percentage uniformly for all universities is not at all practicable since a good number of universities from various states will get automatically excluded in the process if that course is adopted (as the marks scored by toppers of different universities vary from each other) and the selection will lose its Pan-India character. Therefore, the decision taken by the Screening Committee is just and rational giving fair chance of candidates who belong to the different Universities of different states. In this regard, it is further submitted that It is submitted that as such, by adopting different cutoff percentages in respect of candidates from different universities, i.e. IITs, etc in order to given representation to such other universities/State broadly spread all over India, the said norms cannot be said to be in violation of Principles of Equality.
- 7.9 It is submitted that it may be true that the applicant has successfully completed internship program of the National Fusion Program at Institute of Plasma Research at Gandhinagar, however the said Internship of the applicant ipso facto does not confer any right on her to be called for the interview as the same was not an essential qualification prescribed for the advertised post. Moreover, as per the recruitment norms in DOS/ISRO, the higher qualifications or experience shall not give a candidate any edge over other candidates adequately qualified as per the advertisement.
- 7.10 It is submitted that the collective wisdom of a selection/screening committee which is an expert body in highly complex space technology field and its applications is not amenable by any other

body including the judicial forum unless the same is actuated by malafide. No such allegation of malafide is there in the present case. Therefore, applicant is not entitled for any relief as prayed for.

- 7.11 Learned counsel for respondents submits that in catena of judgments, the Hon'ble Supreme Court has held that decision of Selection Committee cannot be challenged except on the ground of malafides or serious violation of Statutory Rules. The discretion has been given to the selection committee only and the Courts rarely sit in Court of Appeal to examine the selection of the candidate.
- 7.12 It is submitted that interview in respect of other Post Codes from 01 to 03 and 05 to 17 of the said advertisement have already been completed, for which also the candidates were called for interview by following the very same screening criteria. The selected candidates have been issued with offer of appointment. It is neither feasible nor possible to re-open the finalized and settled issue. If the applicant is to be called for interview, respondents may have to call additional 118 candidates from different universities also for interview for the same post, thereby increasing the total number of candidates from 80 to 198.

As such, the applicant does not possess any indefeasible right to claim for interview or appointment. The mere fact that the applicant from Gujarat Technical University has scored 85.6% marks in M.E. degree examination does not mean that she is in any way superior in merit than a topper/Rank holder from another University. The expert body, the screening committee is the competent authority for the screening/short listing process for interview with a view to limit the number of candidates proportionate to the number of vacancies in hand. Therefore the applicant is not entitled to any relief prayed for.

- 8 Applicant has filed rejoinder reiterating the facts in the OA. Additionally it is submitted as under,

- 8.1 Though the applicant possessed 9.06 CPI marks and by deducting 0.5 marks from CPM and multiplied by 10 as per norms of GTU she had mentioned 85.6% marks in her application form and proved her bonafide, however the respondents have not considered her candidature. It is further submitted that other candidates who have not stated correct marks in their application as per the requirement they have been considered and called for in the interview by the respondents. The respondent authority considered the CPI multiplied by 10 directly as percentage of some influential selected candidates and called them for screening with *mala fide* intention. Thus, the respondents have discriminated the applicant. It is further submitted that the respondent had called some of the candidates for interview who were passed out GTU with lesser marks than the applicant. It is contended that in sur-rejoinder reply filed before Hon'ble High Court in SCA 21340 of 2016 by the respondents, it was stated that they have cancelled the candidature of nine such applicants (candidates) who had lesser CPI than the applicant. The said conduct of the respondent indicates that the screening committee has not acted in a fair manner.
- 8.2 It is submitted that in another advertisement No.3/2016 and Adv. No.01/2017 dated 15.02.2017 published by the ISRO, Bangalore wherein it was clearly mentioned that candidates should have 65% mark or CGPA 6.84. This indicate that while filling up online application form, only CGPA has to be mentioned and the percentage has not been asked for, because some of the universities do not deduct 0.5% from CPI/CGPA while calculating percentage. (Ann. A/2, A/3 & A/4 of rejoinder dated 18.01.2018). Therefore, the respondent ought not to have screened out the application of the applicant on the ground that applicant had mentioned only CGPA of her B.E.Degree. Therefore the case of the applicant requires to be re-examined by the respondents.
9. At this stage, it is required to mention that in response to the direction issued vide order dated 07.12.2017 by this Tribunal, the respondents have filed

their additional affidavit in reply as also sur-rejoinder dated 24.01.2018 and 20.2.2018 respectively, and in addition to it the counsel for the respondents has also placed reliance on the statement of Ratio wise count of universities for post code-4 (Total candidates applied on-line as revised 2745 dated 20.2.2018), attendance sheet of the candidates called for the interview, list of disqualified candidates for the post code no.4, on the basis of which, learned counsel for the respondents additionally, stated as under, pleaded as under,

9.1 The duly constituted Screening Committee in various centers device the procedure/guideline for screening based on their collective wisdom taking into account the total number of applications received, the need for giving representation to the Universities/Institutions spread all over India (since the advertisement is issued on all India basis), the number of vacancies available, etc. In order to give representation to the candidates belonging to various universities spread all over India, the only way available to Screening Committee is to short list the candidates based on a weighted average i.e. taking into account the ratio, the number of the applicants from each university bears to the total number of applications received vice versa the number of candidates to be called for the interview as per the availability of vacancies. All other major centers of ISRO are following very same practice for screening/shortlisting the candidates. In the present case, the respondents have received total 2745 applications (duly revised) from all over India. Out of it, total 238 applications received from the candidates passed out from GTU. Total screened-in candidates were 80 in numbers against 13 vacancies for the post code No. 04. By following the formula for working out ratio for particular university has been worked out as under:-

Total No. of applications received from Particular university (238) (i.e. G.T.U.)		
<hr/>	X 80	=6.93 (rounded to 7)
Total number of applications received from all universities (2745)		

9.2 Accordingly, by applying the aforesaid formula, total seven candidates passed out from GTU were called for personal interview. It is reiterated that the cut off marks for the candidates passed out from GTU was fixed at 88.9 % and the applicant had obtained 85.6 % in her M.E. Degree. Therefore, it is submitted that the respondents have not done anything wrong in conducting the screening process as the same was done by following the rational norms framed by duly constituted Screening Committee. Moreover, the respondent denied the allegation of the applicant that the respondents have reduced her marks/percentage while screening out her name. In this regard, the respondents has stated that as per para 4 of notification no.GTU/Notification/2012/3970 dtd. 13.04.2012 issued by GTU, the formula for conversion of equivalent percentage of CPI is as under:-

“An equation to find equivalency between CPI/CGPA may be obtained as follows:

$$\text{Percentage Marks} = [(CPI \text{ or } CGPA) - 0.5] \times 10$$

The applicant herself had calculated her percentage of ME examination and mentioned it in her on-line application 85.6%. In fact, as per the aforesaid notification of the GTU, the said 85.6% comes to 9.06 CPI. Therefore, it is stated that the respondents have not reduced the marks scored by the applicant from 9.06 CPI to 85.6%.

- 10 Heard the counsel for the parties and perused the materials placed on record.
11. As noted hereinabove the main grievance of the applicant is that though she was a meritorious candidate and had the requisite qualification with considerably good marks, her name was not included in the list of 80 candidates shortlisted for personal interview for the Post Code No. 04 published on 12.11.2016 (Ann. A/3), inspite of this, the respondents had erroneously and arbitrarily screened out her candidature and has given preference to the candidates with lesser marks than the applicant who had passed out from GTU and other universities.

12. It is settled principle of law that in the matter of recruitment/recommendation/selection more particularly for filling up vacancies of public employment, the scope of judicial review of the decision of recruiting authority, selection committee including the decision of screening committee is very limited. The Hon'ble Apex Court in catena of judgments held that the recommendations of the selection committee cannot be challenged except on the ground of *mala fides* or serious violation of the statutory rules. .

13 In the case on hand the only point to be considered is :

- (i) ***whether the Screening Committee has rightly Screened-out the candidature of applicant in terms and conditions stipulated in the advertisement ?***
- (ii) ***Whether applicant is able to establish mala fides against the respondents with respect to screening out her candidature?***

14 The essential qualification prescribed for the said post code no.04 in the advertisement dated 06.08.2016 reads as under:-

Essential qualification: M.E./M.Tech. in Computer Science and pre-eligibility qualification of B.E./B.Tech (Computer Science/Information Technology).

Further the general condition no.3 stipulated under the head of Note in the advertisement (internal page no.7 of the advertisement) mandate that

“Candidates possessing M.B.A./M.E./M.Tech. should be in First Class with an aggregate minimum of 60% marks or CGPA/CPI grading of 6.5 on 10 Scale average of all semester and pre-eligibility qualification B.E./B.Tech/M.Sc. should also be in First Class with an aggregate of 65% marks or CGPA/CPI grading of 6.84 on a 10 Scale (average of all semesters) from Govt. recognized institutions/University.”

15 It is also important to take note of the fact that the selection procedure for post code 04 is only by way of “Personal Interview”. Further, the information no.8, 9, 10 & 11 contained under the head of “important information” of the said advertisement stipulates as under:-

“8 Please note that the qualifications prescribed above for the posts advertised are the minimum requirement and the same does not automatically make the candidates eligible for written test/skill test/personal interview (as the case may be). Initial screening based on the data furnished in on-line application

will be done and only Screened-In candidates will be called for further selection process at Ahmedabad.

9 *Rounding-off of marks is NOT allowed. In case the marks obtained are in the form other than percentage, (CGPA and CPI), please convert them into percentage and the formula of conversion should be certified by the Head of the Institution/University/Board or should be mentioned in the mark-sheet.*

10 *It is for candidates to ensure that he/she fulfils the eligibility criteria and complied with the requirements adhered to the instructions contained in this advertisement as well as in the application form. Candidates are, therefore urged to carefully read the advertisement and complete the application form and submit the same as per instructions given in this regard.*

11 *Candidates will have to produce original documents in proof of the details furnished in their application at the time of Skill Test/Personal Interview for verification. Those who fail to produce the said documents will not be allowed to attend the Skill Test/Personal Interview and TA will not be paid."*

- 16 It is noticed that as per the aforesaid condition no.8 which stipulates that the qualification prescribed for the post advertised are the minimum requirement and same does not automatically make the candidate eligible for personal interview and further categorically it is stated that *"initial screening based on the data furnished in online application will be done and only Screened-In candidates will be called for further selection process at Ahmedabad."* It is further noticed that the respondents had received total 2745 applications for the Post Code No.: 04 for which applicant had also applied.

The respondents have constituted the **Screening Committee** to finalize screening guidelines for recruitment including the Post Code No.:04. Following screening guideline for recruitment in Space Application Centre at Ahmedabad were finalized by the said Screening Committee which reads as under:-

- a) *Screening committee will decide the no. of candidates to be screened in for one post.*
- b) *The candidates having higher marks among applicants from same University/State Board will be first level criteria of screening. The no. of candidates having higher marks from each university/State Board will be selected in proportion to the no. of applications received from the same university/State Board.*
- c) *Fraction 0.5 and more than 0.5 will be considered one.*
- d) *If no. of applicants from one university/State Board is/are less than 0.5, merge such universities/State Boards together and make sum of all applicants. The no. of candidates (n) will be selected in proportion to the sum of all applicants. The committee will go through the list of all such candidates and select (n) no. of candidates from the list.*

e) Considering fake applications/less turnaround may call some more candidates accordingly.

MISD was requested to design and develop software based on above guideline to assist the committees in screening of applicants under various posts.”

17. Since the sole element of selection is based on a personal interview for the Post Code No.4, and respondents have received 2745 applications for the said post against 13 vacancies, the screening of applications was essential, of course, the same Screening of application should be based on the guidelines decided by the Screening Committee. It is noticed that the aforesaid “guideline no.(b)”, categorically conveys that Candidates having higher marks from each University/State Board will be selected in proportion to the number of applications received from same University/State Board. It is obvious that the cut-off percentage varies from university to university. Moreover the mode of recruitment for the post in question was through open advertisement on All India basis and the element of selection to the post consists only of a personal interview, the respondents were also under obligation to ensure fair representation to all candidates belonging to all States/Universities spread across India. Under the circumstances, we are in agreement with the submissions of the respondents that the only method available to the Screening/Selection Committee was to ensure fair representation of all candidates from all Universities based on a weighted average of the number of application from each University.
18. The record undisputedly reveals that the respondents had received 238 applications from the candidates passed out from GTU. By following the Screening Guidelines as well the formula for ratio-wise count of Universities for Scientist/Engineer Post Code No.:04 and the number of candidates called for personal interview from different universities, the Screening Committee has shortlisted 80 candidates from different Universities to be called for interview, out of which 7 candidates were short-listed passed out from GTU. The cut-off marks for the candidates who had passed from the GTU are **88.9%** for the general category candidates. As the applicant had passed M.E. Examination from the GTU in the year 2016 and had secured **only 85.6% (9.06 CPI)**, the Screening Committee **Screened-Out** her

candidature. Accordingly her name did not figure in the list of **Screened-in** candidates to be called for personal interview.

- 19 It is pertinent to mention that the applicant has neither challenged the advertisement dated 06.08.2016 nor the Constitution of Screening Committee and the Screening Guidelines. It is also noticed that except the bare statement to the effect that the respondents had *mala fidely* shortlisted the candidates randomly, the applicant failed to place on record any material to substantiate the allegation of *mala fide* against the respondents.
- 20 In view of aforesaid factual matrix, we are of considered opinion that the Screening Committee has followed the norms as stipulated in the advertisement as well the Screening guidelines while shortlisting the candidates. Therefore, we answer the questions framed in para-13 (above) as follows:-
- (i) The impugned decision is in consonance with the terms of advertisement and the Screening Guidelines. Thus, the impugned decision is not in violation of any terms & conditions/stipulations in the advertisement.
 - (ii) The applicant failed to establish allegation of *mala fide* against the respondents with respect to Screening Out her candidature.
- 21 In arriving at the above conclusion, in addition to the facts and reasons mentioned herein, we are guided by the law laid down by Hon'ble Apex Court in the case of **Ashok Kumar Yadav v/s State of Haryana reported in (1985) 4 SCC 417** wherein it has been held that "*It is equally well settled that there is no obligation to call for interview all candidates who satisfy the minimum eligibility requirement. Where the number of applicants is high, unless any Statute or Rule specifically provide otherwise, the number of candidates to be called for interview, has necessarily to be in a reasonable proportion to the number of vacancies to be filled in and all the candidates should not be called for interview.*"
- 22 In our considered view, the law so enunciated shall equally apply to the threshold stage of shortlisting the candidates for the purpose of

interview/interaction. Shortlisting on the basis of eligibility and other objective criteria requires expertise and thus once the exercise is undertaken by the selection committee, principle of judicial restraint must be applied.

23. In view of aforesaid observations and the law laid down by Hon'ble Apex Court, in absence of any violation of terms of advertisement and screening guidelines as also lack of evidence of allegation of *mala fides*, the OA has no merit. Accordingly the same is dismissed. No costs.

With the dismissal OA as above, the interim relief granted in terms of para-17 by this Tribunal as per its order dated 8.12.2016, stands vacated. Consequences would follow.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

abp

