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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

G.A.No.1159/90

New Delhi this 19th August, 1994.

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

Hon'ble Mrs. Lakshmi Swaminathan(J)

Ms. Debajani Baxipatra,
d/o Shri H.C. Baxipatra,
Arabindo Nagar, 'Barunei',
P.O. Jeypore,
Distt. Koraput(Orissa),
now at 102-J, Pusa Vihar,
Sector 4, New Delhi-17

.....Applicant

(none for the applicant)

Versus

The Chairman,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

.....Respondent

By Mrs. Raj Kumari Chopra, Advocate

JUDGMENT

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

In this application, Ms. Debajani Baxipatra has prayed that the respondent (UPSC) be directed to allow him to appear before the UPSC Interview Board on or before 20.6.90 for the post of Programme Executive in the office of Directorate General of All India Radio & Doordarshan.

2. The applicant's case is that the essential and desirable qualification for the post as given in Clause (A) of the advertisement was M.A. or M.Sc degree of a recognized University or its equivalent and a record of literary or dramatic or debating activities or publications or popular science. Having fulfilled the said conditions, she was called for interview on 30.4.90. In the Call letter, the UPSC clearly stated that she will bring at the time of

interview any thesis/dissertation submitted for post-graduate qualification, reprints of any paper published in journals of repute, any literary/artistic/architectural work done by her and which she wishes to submit to the UPSC for scrutiny. On reaching the Examination-hall after verification of the applicant's testimonials, she was told that she would be the second candidate to be interviewed by the Board but after sometime, she was told that she could not be called for interview as she had not produced any certificate that she was awarded M.Phil degree on a day prior to 3.10.88 which was a closing date for receipt of application. The applicant states that she had mentioned in the application to the UPSC that she had completed her M.Phil Course during the academic year but was not awarded the degree on the date of application and inspite of that interview letter was sent to her with no pre-condition. The UPSC's advertisement has nowhere stated that in order to be eligible for interview it was necessary to be M.Phil on or before 3.10.88. She states that immediately on 30.4.90 when she was not interviewed, she wrote out a representation to the Chairman, UPSC alleging that she had been denied the opportunity of being interviewed wrongly, arbitrarily and illegally (Annexure-III). Being aggrieved by non-consideration of the representation, she filed this application.

3. The applicant was heard on 5.6.90 and notices were directed to be issued to the respondents. Meanwhile, the respondents were directed to allow her to appear in the interview, if the interviews were still continuing for the said post. The case was listed on 14.6.90. On that date, the respondents appeared and sought time to file reply. Meanwhile,

they stated that the interviews for the post for which the applicant had applied were over on 1.5.90, while the applicant's counsel stated that 461 posts of Programme Executives were advertised and the interviews were still continuing. It was decided that the final view in the matter will be taken on the next date after the respondents file their reply. On the next date of hearing i.e. 24.7.90, reply was filed but time was sought by the applicant to file rejoinder which was granted upto 7.8.90. On that date i.e. 7.8.90 none appeared for the applicant and the case was adjourned to 28.8.90. On 28.8.90 none appeared for the applicant and she had not filed rejoinder. The Tribunal did not consider it proper to grant the interim relief. Thereafter, the case was adjourned from date to date. On 14.12.90, the case appears to have been heard and the orders were reserved. The respondents were directed to bring the relevant record, but no final orders have yet been passed.

4. In their counter affidavit, the respondents have taken the plea that she was originally called for interview for the post of Spoken words/features in Oriya language. As her candidature was conditional, a letter dated 20.4.90 was issued to her asking her to attend the interview subject to condition that she will produce a degree having passed M.Phil on or before the closing date failing which she will not be interviewed. They stated that the interviews for the post of Programme Executive commenced w.e.f. 6.3.90 and were completed for various languages and dialects except Hindi on 14.6.90. The interviews for Oriya language were held on 29th, 30th April 1990 and 1st May, 1990. They admit that the applicant possessed the essential qualifications required for

the post but mere possession of the minimum qualification does not entitle a candidate as the candidate was called conditionally vide respondents' telegram dated 20.4.90. On reaching the UPSC, the original certificates of all the candidates were verified. They stated that the applicant carried a M.Phil Certificate which indicated that she passed M.Phil after the closing date and as she failed to give evidence on or before ^{the} closing date although she was not interviewed her name was in the list of interview of candidates dated 30.4.90. The respondents contend that as the number of candidates fulfilling the qualification were very large, they had a right to evolve suitable criterion and procedure for the selection of the best candidates out of those who possessed the minimum qualification.

5. None appeared for the applicant when this case was called out. Mrs. Raj Kumari Chopra appeared for the respondents and was heard.

6. In the absence of the applicant, we are unable to decide conclusively whether the interviews for the post for which the applicant had applied were over on 1.5.90 or not and whether in the background of Tribunal's interim order dated 5.6.90, the applicant was given the opportunity ^{to appear in} ~~of interview~~ before the Interview Board for ^{the} ~~an~~ advertised post. During hearing Mrs. Chopra for the respondents gave us to understand, such an opportunity was given to the applicant, but in the applicant's absence, we cannot confirm it.

7. As the applicant failed to appear when the case was called out, we dismiss the application for default and non-prosecution leaving it open to the applicant to seek its restoration if there are reasonable grounds to justify her absence when the case was called out for hearing.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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