

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
N E W D E L H I

O.A. No. 1815/90  
T.A. No.

199

DATE OF DECISION 10.12.1990.

Shri D. S. Misra

Petitioner Applicant

Shri S. S. Tewari

Advocate for the Petitioner(s) Applicant

Versus

Union of India & Others

Respondent

Shri N. S. Mehta

Advocate for the Respondent(s)

**CORAM**

The Hon'ble Mr. P. K. Kartha, Vice-Chairman (Judl.).

The Hon'ble Mr. D. K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(Judgement of the Bench delivered by Hon'ble  
Mr. P. K. Kartha, Vice-Chairman)

The applicant, who is working as Senior Technical Assistant in the Ministry of Agriculture, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the selection of respondent No.3 to the post of Assistant Director (Seeds) by the U.P.S.C. be set aside and quashed, and that his claim for appointment to the said post should be reconsidered. The Union of India, through the Secretary, Ministry of Agriculture is the first respondent. The

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U.P.S.C. is the second respondent. Shri M.C. Diwakar, Senior Technical Assistant is the third respondent.

2. The facts of the case in brief are that the applicant and respondent No.3, who are working in the same department, applied to the U.P.S.C. for the post of Assistant Director (Seeds). According to the applicant, while he fulfills the qualifications prescribed under the Rules, respondent No.3 did not fulfil the same. Both of them were called for the interview which was held on 1.8.1990. The applicant was not selected, but respondent No.3 was selected.

3. <sup>No. 2</sup> The respondent has stated in their counter-affidavit that the applicant has no locus standi to challenge the selection, he having himself participated at the interviews as a competitor and having failed to be selected on merit. They have also stated that the U.P.S.C. not only considered respondent No.3 as fulfilling the prescribed qualifications, but also found him most suitable by selection after thorough assessment of his inter se merit.

4. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. The learned counsel for the respondents had made available to us the relevant file of the U.P.S.C.

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pertaining to the interviews held on 1.8.1990. He drew our particular attention to an experience certificate given by the Under Secretary of Respondent No.1 indicating that the respondent No.3 fulfils the qualifications prescribed for the post of Assistant Director (Seeds). He further stated that ~~118~~ 118 persons had applied for the post. The names of 14 persons were short-listed for the interview, including those of the applicant and respondent No.3. The applicant did not register any protest at the time of the interview or at any time before the recommendation of the U.P.S.C. regarding the selection of respondent No.3 was intimated to the concerned authorities on 17.8.1990.

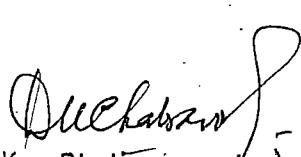
5. The learned counsel for the applicant relied upon the decision of the Supreme Court in *Miss Shanda Hasan Vs. State of U.P. and Others*, AIR 1990 S.C. 1381. In that case, the Supreme Court had observed that the selection would be invalid on the ground of wrongful relaxation of qualifications as regards experience. The decision of the Supreme Court is clearly distinguishable. In the instant case, the respondent No.1 ~~had~~ had given an experience certificate to respondent No.3 and the same was available with the U.P.S.C. before he was called for the interview.

6. In Om Prakash Bahu Ram Sharma Vs. State of M.P. and Another, 1978 (1) SLR 736, the Madhya Pradesh High Court has held that a Public Service Commission is a body of specialised persons constituted under the Constitution to advise the Government with regard to selection of candidates, with an all-important rider to the effect that their selection is not justiciable except when there is a violation of any statutory rule.

7. In Des Raj Goomber Vs. State of Haryana, 1980(1) SLR 407, the Punjab & Haryana High Court has held that if a person has competed but not selected, he has no locus standi to challenge the appointment of the selected candidates.

8. In the light of the foregoing, we see no merit in the present application and the same is dismissed at the admission stage itself.

9. There will be no order as to costs.

  
(D.K. Chakravorty)

Administrative Member

10/12/89

  
10/12/90  
(P.K. Kartha)

Vice-Chairman(Judl.)