

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN.NO. OA 298/90

Date of decision: 11-5-90

Ajay Kumar & ors. .... Applicants

Vs.

The Chairman, Staff Selection ..... Respondents  
Commission

CORAM: THE HON'BLE MR. P. K. KARTHA, VICE CHAIRMAN(J)  
THE HON'BLE MR. D. K. CHAKRAVORTY, MEMBER(A)

For the Applicants ..... Shri Navin Prakash,  
Counsel.

For the Respondents ..... Shri N.S.Mehta, Counsel.

(Order of the Bench delivered by Hon'ble  
Mr.D. K. Chakravorty, Member(A) )

ORDER

The applicants have prayed for quashing the interview held by the Staff Selection Commission on 2.2.1990 for appointment to the post of Technical Assistants(Assistant Archaeologists) in the Archaeological Survey of India, New Delhi. Their grievance is that the respondents did not adopt any fixed criterion for short-listing the candidates to be called for interview. 19 candidates were interviewed by the Commission. According to the applicants, some of them were less qualified and less experienced as compared to the applicants, who were not called for interview.

2. The respondents have filed their counter-affidavit wherein they have contended that they had short-listed the candidates who had secured 67% and above marks in the prescribed Master's degree in the case of candidates belonging to the general category and 50% and above marks in the case of those belonging to the reserved category.

3. The respondents were also good enough to submit the relevant file in which the applications received

by the Commission were processed.

4. After hearing the counsel for both sides the case was reserved for our orders.

5. We have carefully gone through the relevant file of the Commission made available as also other papers. We have noticed that for short-listing the candidates, the criterion prescribed was 67% or more marks in the Master's degree examination for the candidates belonging to the general category and 50% for the reserved category candidates. Against 4 posts to be filled up, 3 from general category candidates and 1 from ST candidates, the Commission received 163 applications. Of these, 9 were rejected on scrutiny and 154 candidates were found eligible. Since it is not possible to call for interview all the eligible candidates for 4 vacancies, the Commission decided on the criterion mentioned above for short-listing of the candidates. A perusal of the relevant records clearly established that the criterion laid down has been applied uniformly for all the eligible candidates while short-listing the 19 candidates to be called for interview.

6. Following the ratio of the judgement of the Supreme Court in the State of Haryana Vs. Subhash Chander Marwaha and others, AIR 1973 SC 2216 and of the Punjab and Haryana High Court in Surinder Mohan Sharma Vs. the State of Haryana & others, 1989(4)SLR 63, we hold that there was nothing arbitrary in fixing the securing of 67% marks in the M.A. degree for general category candidates and 50% for the candidates belonging to the reserved category for short-listing of the candidates to be called for interview. The Selection Committee was competent to short-list the candidates by adopting a reasonable criterion for the

purpose of inviting the eligible candidates for interview. Since this criterion was applied uniformly in respect of all the eligible candidates, the contention of the applicants that the respondents did not adopt any fixed criteria is not substantiated. The other submission made by the applicants that some of the persons called for interview were less qualified and less experienced as compared to the applicants, cannot be legally raised. This question is purely for the selecting authority and cannot be the subject matter of judicial review. In view of the above considerations, the application is rejected. The interim order passed on 20-2-1990 stands vacated.

7. The parties are to bear their own costs.

  
(D. K. CHAKRAVORTY)  
MEMBER(A)

11/5/1990

  
( P. K. KARTHA)  
VICE CHAIRMAN(J)