

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 620/90
~~XXXXXX~~

199

DATE OF DECISION 24.08.1990.

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| <u>Shri Raj Kishan Nigam</u> | Petitioner |
| <u>Shri M.L. Mehra</u> | Advocate for the Petitioner(s) |
| Versus | |
| <u>Director General, Doordarshan</u> | Respondent |
| <u>Shri P.H. Ramchandani, Counsel</u> | Advocate for the Respondent(s) |
| <u>for respondent Nos. 1 to 3</u> | |
| <u>Shri Jog Sinch, Counsel for respondent No.4.</u> | |

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

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*

JUDGMENT

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

The grievance of the applicant is that though he had been adjudged as the best candidate on merit for appointment to the post of Make-Up Assistant, the respondents did not appoint him to the said post. He has challenged the appointment of respondent No.4 to the said post on the ground that he being a Scheduled Caste candidate, he cannot be appointed to the post in the general category and that he had also not been adjudged as the first in the order of merit by the Selection Committee.

2. The applicant had filed OA 1841/89 in this Tribunal, which was disposed of by judgment dated 28.9.1989. By the said judgment, the respondents were directed to consider the case

of the applicant also for the post of Make-Up Assistant along with others. The Tribunal was told that the applicant had also been subjected to various tests along with other candidates. In view of this, the Tribunal observed that the case of the applicant for appointment might be considered on the basis of his performance in the said test already held. If he had not been called for any particular test, he might be allowed to take that test and final selection should be made on the basis of the relative merits of the candidates including the applicant.

3. There were two posts of Make-Up Assistant to be filled up, one of which was reserved for Scheduled Tribe candidate and the other was to be filled up by a candidate from the general category. Respondent No.4, who belongs to the Scheduled Caste community, was appointed in the vacancy ear-marked for the general category and Mrs. Anju Bala was appointed against the post reserved for Scheduled Tribe candidate.

4. The entire case of the applicant is based on an affidavit given by Shri H.V. Sharma, who is a retired Professor of National School of Drama. According to his affidavit, he was a member of the Selection Board for interviewing candidates for the post of Make-Up Assistant held on 27.5.1989 and that the applicant, who was one of the candidates for the interview for the above mentioned post, was adjudged best among the candidates and was No.1 on the merit list.

5. The contention of the respondents is that the applicant was also considered for the post of Make-Up Assistant by a duly constituted Selection Committee, which met on 26 and 27th May, 1989. The Selection Committee which included Professor H.V. Sharma as one of its members, unanimously recommended the following candidates in the order of merit:-

- "(1) Shri Vishwajit Verman
- (2) Shri Aveti Venkata Nageshwar Rao
- (3) Shri Raj Kishan Nigam".

The above candidates were found suitable for appointment in the general category. Mrs. Anju Bala was selected for the Scheduled Tribe vacancy. As respondent No. 4 was the first among the selected candidates, he was appointed against the general vacancy and Mrs. Anju Bala was selected for the post reserved for Scheduled Tribes.

6. We have considered the rival contentions and have gone through the records of the case. The respondents were good enough to place before us the proceedings of the Selection Committee, which was also shown to the learned counsel of the applicant. The report of the Selection Committee has been signed by all the members of the Committee including Professor Sharma. He has not appended any minute of dissent. The learned counsel of the applicant pointed out some discrepancies in the list containing the marks given to the various candidates, in that in some pages all


the members of the Committee have affixed their signatures, while in some sheets only two of the members have signed. However, the report of the Committee where the final selection has been reflected has been signed by all the members of the Committee.

7. Having signed the minutes of the Selection Committee, it was not proper on the part of Professor Sharma to have given an affidavit to support the claim of one of the candidates, who had appeared for the interview. We would like to leave the matter at that.

8. In our opinion, the appointment of respondent No.4 against a vacancy ear-marked for the general candidate cannot be invalidated merely on the ground that he belongs to the Scheduled Caste community. A member of the Scheduled Caste community or for that matter, of the Scheduled Tribe community, can always compete on merits with the general candidates for a non reserved vacancy.

9. In the conspectus of the facts and circumstances of the case, we see no merit in the present application and the same is dismissed at the admission stage itself.

There will be no order as to costs.


(D.K. CHAKRAVORTY)
MEMBER (A)

24-8-1990


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