

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(23)

O.A./T.A. No. 1895 of /19 91 Decided on: 23.9.96

K.K. Sharma

(By Shri D.R. Gupta, APPLICANT(S)
Advocate)

VERSUS

U.O. T. & Ors.

..... RESPONDENTS

(By Shri M.M. Sudan, Advocate)

OD RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE S. R. ADIGE/DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? No


(S.R. ADIGE)
Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH, DELHI

O. A. No. 1895 of 1991

(24)

K.K. SHARMA & OTHERS

..

APPLICANTS

Versus

UNION OF INDIA AND OTHERS

..

RESPONDENTS

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New Delhi:
Date: 2.9.1996

(SUDARSH MENON)
ADVOCATE FOR RESPONDENT NO. 4

(25)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH
NEW DELHI

O.A. No. 1895/91

New Delhi, this 23rd day of September '96

HON'BLE S.R. ADIGE, MEMBER (A)
HON'BLE DR.A. VEDAVALLI, MEMBER (J)

Shri K.K.Sharma
S/o Late Shri C.S.Sharma,
R/o House No.3049, Hardhyam Singh Road,
Karol Bagh, New Delhi-110005.

Archivist, National Archives of India

2. Smt.Krishna Dey W/o Sh.Miranjan Dey,
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Kalkaji, New Delhi.

3. Shri Promod Mehra,
S/o Late Dr.J.J.Mehra,
A-101, Anand Vihar,
New Delhi.

4. Sh.Rajesh Verma,
S/o Shri V.Verma,
H-266, Narayana,
New Delhi.

5. Sh.H.Raghunath,
S/o Sh.M.Meera Singh,
H.No.39, Pocket A-4,
DDA Flats, Konark Apartments,
Kalkaji Extension,
New Delhi-19.

....Applicants

By Advocate: Shri D.R.Gupta

versus

1. Union of India through Secretary,
Department of Culture,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi-1.
2. Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-11.
3. Director General,
National Archives of India,
Janpath, New Delhi-1.

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4. Shri Sanjay Garg,
Archivist,
National Archives of India,
Janpath,
New Delhi-110001.

....Respondents

By advocate: Shri M.M.Sudan for official respondents
and Shri Sudarsh Menon for Pvt.Respondent.

JUDGEMENT

BY HON'BLE SHRI S.R. ADIGE, MEMBER(A)

1. Heard.

2. Shortly stated the applicants have challenged the selection of Respondent no.4 Shri Sanjay Garg to the post of Assistant Director, National Archives of India, Department of Culture pursuant to the recommendations of Respondent no.2 (UPSC) on the basis of the interview conducted by them on 7.8.91 on the ground that he did not fulfil the following essential qualifications:

- i) 5 years experience of research in Modern Indian History/teaching of Modern Indian History to University classes/Work in a supervisory capacity in an archival office.
- ii) Experience of editing historical documents.

3. It is not disputed that Respondent no.4 worked in the Indian Institute of Research and Numismatic Studies (IIRNS) Nasik from 1.9.85 to 4.2.88 vide certificate dated 19.2.89 (Annexure R-IV). It is also not disputed that he was appointed as Assistant Archivist Gr.I in National Archives on 10.2.88 in the scale of Rs.1640-2900 where he worked till 13.1.91

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upon which he was promoted as Archivist which formed the feeder category for the selection post of Asstt. Director, when he was called for the interview on 7.8.91.

4. During arguments (resume taken on record) Shri Gupta has contended that Respondent No.4 did not possess the essential qualifications prescribed above because his Research Associate ship in IIRNS Nasik does not qualify for being termed as research nature. It is contended that this institution is a purely private body, not recognised by UGC as a Research Centre, and is committed purely to the study of coins and not promotion of research in Modern Indian History. It is further contended that Respondent No.4 had been assigned various duties as an employee of the institution and not as a registered research scholar, which is the basic requirement for qualifying for research experience, and the articles claimed to have been written by Respondent No.4 were based on material complied during the course of performing official functions and not as a part of independent research effort and should not be considered part of research experience. It has similarly been contended that Respondent No.4's duties as Asstt. Archivist as given in his additional affidavit showed that he merely assisted his superior in performing various official duties, and his claim of having research experience as Asstt. Archivist is therefore incorrect. He was not a registered scholar with a University or

research institute. It is contended that Respondent No.4 merely consulted records in NAI which is permissible as per NAI Historical Research Rules and cannot be termed research experience, and the inclusion of his name in the bulletin of Research Thesis and Dissertations is merely because this is a compilation of annual list of persons who consult the NAI Records.

5. We have considered these contentions carefully. The Concise English Dictionary 1985 edition defines History as a systematic record of past events, especially those of importance in the development of men or peoples; a study of or a book dealing with the past of any country, people, science, art etc; past events especially regarded as materials for such a study. That same dictionary defines numismatics as the science or study of coins and medals. Similarly Research may be defined as the ^{1 careful and} systematic study of any discipline.

Manifestly therefore the systematic study of coins which helps record and interpret past events in relation to India and its people, constitutes research in Indian History and undoubtedly the subject title of the research projects undertaken by Respondent No.4 while working in IIRNS Nasik vide certificate dated 19/12/89 (Annexure-RIV) whose authenticity has not been disputed, shows that it relates to the modern period of Indian History. The essential qualifications for eligibility, quoted

by the applicants themselves in para 4.3 of the OA, nowhere prescribe that institution where the research was being conducted, could not be a private body and has to be recognised by UGC. In any case as per certificate dated 19.12.89 the IIRNS Nasik has been certified to be registered as a public trust and is recognised by Osmania University as a Research Centre for Historical Research. Under the circumstance, we are satisfied that the period from 1.9.85 to 4.2.88 during which the applicant was engaged in research at IIRNS Nasik has to count towards the essential qualifications of 5 years experience of research in Modern Indian History, and the applicants' contentions that the same cannot be counted towards that experience, has no merit.

6. Similarly their contentions that during the Respondent's posting as Asstt. Archivist, he was not a registered scholar with a University or Research Institute and he merely consulted records at NAI and therefore the list of research publications which he published or sent to the press (Annexure-RVI) cannot be counted towards research experience, has equally no merit because none of the restrictions which the applicants seek to hedge the essential qualification with are present in the qualifications themselves. Furthermore we cannot lose sight of the fact that in the Bulletin of Research Thesis and Dissertations issued by the NAI themselves Respondent No.4 has been acknowledged by them to be a research scholar. *A*

7. It is also clear from the nature of the work done by Respondent No.4 in the IIRNS Nasik as well as in the National Archives of India that the other essential qualification, namely experience of editing historical documents is also satisfied by him.

8. Under the circumstance we have no hesitation in agreeing with the submissions made during hearing by Shri Menon, learned counsel for Respondent No.4 that by virtue of Respondent No.4's work in IIRNS Nasik from 1.9.85 to 4.2.88 and in NAI as Asstt. Archivist Gr. I from 10.2.88 to 13.1.91, he had acquired the essential qualification of (i) 5 years experience of research in Modern Indian History and (ii) experience of editing historical documents, and there was no legal infirmity in the UPSC summoning him for the interview for selection to the post of Asstt. Director in NAI.

9. In this connection, it needs to be remembered that the applicants had themselves participated in this selection, and having participated in the same without raising any objection at that point of time and not being selected, it is not open to them now to challenge that selection. If the applicants had any grievance in regard to those who were called for interview for the selections, they should have raised their objections at the relevant point of time itself and not after the selections have been made.

10. One of the grounds taken is that one V. Krishna Ananth who had consistently first class

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record in Modern Indian History and M.Phill from JNU was not called for interview. If he was aggrieved, it was open to him to have agitated his grievance in accordance with law, but we note that he is not one of the parties before us.

11. We are also not persuaded to hold that the respondents committed any irregularity by calling 13 persons for interview for the post of Asstt. Director, as alleged by the applicants. It is open to a Selection Body like the UPSC to determine the number of candidates to be called for interview for a particular post and the UPSC in their reply have averred that they called those persons who fulfilled the criteria for the post of Asstt. Director. We see nothing wrong in this.

12. Applicants' counsel Shri D.R.Gupta has cited certain rulings in support of his case; namely Govt. of Andhra Pradesh Vs. N.R.Murale Babu Rao 1988(2)SCC 386; H.K.Chalial Vs. DPI 1995 Supple.(4) SCC 706; K.C.Sahu Vs. State of Orissa 1995(6) SCC 1 ATC 438; P.K.Ramchander Iyer Vs. UOI 1984(2) SCC 141; U.C.Shukla Vs. UOI 1985(3) 616, but in the conspectus of the facts and circumstances of the case pointed out above, none of the rulings help the applicants.

13. In the result, we see no good reason to interfere with this case. The OA fails and it is dismissed. No costs.

A.Vedavalli
(DR.A.VEDAVALLI)
MEMBER (J)

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