

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI

....

O.A.No.2903/91

Date of decision: 13-4-92.

Naresh Kumar Drall

...Applicant

Shri Rajan Sharma

...Counsel for the applicant

Versus

Union of India & Ors.

...Respondents

Mrs. Avnish A-hlawat

...Counsel for the  
Respondents.

CORAM:

THE HON'BLE MR. JUSTICE RAM APAL SINGH, VICE-CHAIRMAN.  
THE HON'BLE MR. I.P.GUPTA, MEMBER (A).

J U D G M E N T (ORAL)

( Delivered by Hon'ble Mr. I.P.Gupta, Member(A) )  
- - - - -

In this application, the applicant is working as Compoundain the Delhi Milk Schemes Dispensary, West Patel Nagar, New Delhi. He was asked to appear for 'Interview' for the post of Legal Assistant under the Delhi Milk Supply Scheme by letter dated 14-10-91 which also state that he should bring his original certificates, record of educational qualifications, experience, etc. The applicant appeared for the interview but he was not selected.

2. The contention of the learned counsel for the applicant is that by letter dated 14-10-1991, the selection should have been based on interview only and not on any written test.

*Launhi*

...2...

(11)

3. The recruitment rules dated 6-6-1991 show that the post of Legal Assistant is a post to be filled up by direct recruitment and the essential qualifications are Degree in Law and 3 years' experience in legal matters. The rules do not specifically mentioned <sup>whether</sup> ~~that~~ the post should be filled up by a written exam and/or interview. In case of direct recruitment, it is incumbent on the respondents to select the best candidate out of those fulfilling the requisite qualifications and ~~fixing~~ available for the post.

4. The learned counsel for the respondents pointed out that a simple written test of half an hour was held and the applicants were asked to <sup>analyse</sup> ~~analyse~~ the problem just to assess their calibre and test their knowledge and ability to write ~~on~~ legal matters <sup>as</sup> ~~as~~ legal <sup>practitioners</sup> ~~practitioners~~ will be required to reply to the <sup>legal</sup> ~~post~~ <sup>issues</sup> ~~things~~. It is because the applicant was asked to write a test of this type would not be inconsistent <sup>with</sup> ~~that~~ the provisions of the recruitment rules where no mention has been made that there should be no written test whatsoever in making the direct recruitment. Even if the applicant was asked by the letter of 14th October to appear for interview, nothing would stop the respondents from asking the applicants to write on some thing in the course of interview or even thereafter. The application fails and is dismissed with no order as to costs, and interim order stands vacated.

*I.P. Gupta*  
(I.P. GUPTA)  
MEMBER (A) 13/4/92

*Ram Pal Singh*  
(RAM PAL SINGH)  
VICE CHAIRMAN 13.4.92.