

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regd. No. O.A. 1018/1991.

DATE OF DECISION: 8-11-1991.

Syed Mohammad Naiyer Rizvi APPLICANT.

V/s.

UNION OF INDIA & OTHERS RESPONDENTS

COURT: Hon'ble Mr. Justice Ram Pal Singh, V.C. (J).
Hon'ble Mr. P.C. Jain, Member (A).

Shri Zafar Sadiq, counsel for the applicant.
Mrs. Raj Kumari Chopra, counsel for respondents 1 and 2.
Respondent No.3 in person.

P.C. JAIN, MEMBER (A): JUDGMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who had applied along with other candidates, for the post of Senior Grade (Urdu Language) in the pay scale of Rs.2000-3500 in the Ministry of Information & Broadcasting, in response to item No.15 (Advertisement No.3) published by the UPSC (Respondent No.2) has assailed the recruitment result in so far as it relates to one Shri Manzer Nayaz (Respondent No.3), and has prayed for the following reliefs: -

- "(i) allow the application with costs;
- (ii) set aside / quash the impugned order / Selection / recruitment results, Annexure-III.
- (iii) direct the respondents not to appoint any person, declared successful by the Recruitment Results, Annexure-III, till the disposal of this application.
- (iv) Pass such other and further order/direction which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and also in the interest of justice."

2. The facts of the case, in brief, are as under: -

Respondent No.2 invited applications for filling up 49 posts of Senior Grade in Indian Information Service of the Ministry of Information and Broadcasting in various languages, including two posts for the Urdu language, viz.

(✓)

Advertisement No.3, item No.15 (Annexure-I). The following Essential Qualifications were prescribed for the post: -

- (i) Degree or equivalent;
- (ii) Diploma in Journalism from a recog. Univ./ Instn. or equivalent; and
- (iii) Three years experience of journalistic, publicity or public relation work in a Govt. Department or any Newspapers/News agency.

The applicant also applied for the post of Senior Grade (Urdu Language) and he was duly called for the interview but his name does not figure in the names of the recommended candidates given in the Recruitment Results (Annexure-III). The grievance of the applicant is that respondent No.3 (Manzer Nayaz) has been declared successful in Urdu Language although he possesses only a Certificate in Advanced Diploma in Mass Media from Jawaharlal Nehru University which is not equivalent to Diploma in Journalism and, as such, he does not fulfil the Essential Qualifications prescribed for the post. On the other hand, he claims to possess not only the Advanced Diploma in Mass Media from Jawaharlal Nehru University, but also Diploma in Journalism from Bharatiya Vidya Bhavan's Rajendra Prasad Institute of Communication & Management, which is recognised by the Government of India.

3. We have gone through the record of this case and heard the learned counsel for the parties. We also heard respondent No.3, who appeared in person. The respondents have contested the application by filing their counter-affidavits and the applicant has filed a rejoinder also. We feel that this case can be disposed of at the admission stage itself and need not be prolonged any further.

4. The case of the applicant is based on the plea that respondent No.3 who has been recommended for the post for Urdu Language does not possess the required Essential Qualifications and the acceptance of his candidature and his final selection by respondent No.2 amounts to relaxation

(✓)

in qualifications which is arbitrary and malafide as he is neither a candidate of exceptional and outstanding qualities nor is he having any extraordinary experience and, as such, the same is liable to be struck down. On the other hand, he claims to be in possession of all the qualifications as per the Advertisement and thus better qualified compared to respondent No.3, who has been recommended by respondent No.2.

5. The case of the respondents is that the Certificate in Advanced Diploma in Mass Media from the Jawaharlal Nehru University is treated equivalent to Diploma in Journalism by the UPSC and it is not correct to say that respondent No.3 is not having requisite qualifications prescribed for the post. They have denied the allegations of malafide, arbitrariness etc. and have stated that the Selection Board was constituted under the powers vested in the UPSC and the selection made by it is constitutionally and legally valid. According to them, there has been no relaxation in qualifications and respondent No.3 was called for interview for the post as he was covered by the criteria adopted for being called for interview.

6. With a view to verifying the veracities of the statement of the respondents, we thought it essential to see the relevant record. The same was produced by respondent No.2 with their letter dated 30.10.91. Notings in File No.F.1/720/90-R. IV show that certificate/diploma/degree in mass-communication has been equated with Essential Qualification (ii), and the proposal was duly approved by the competent authority. Essential Qualification at (ii) states "Diploma in Journalism from a recog. Univ./Instn. or equivalent". Admittedly, respondent No.3 possesses Advanced Diploma in Mass Media which is of one year duration. Since the Essential Qualification at (ii) makes a provision for (i.e.)

'equivalent' to Diploma in Journalism from a recognised University/Institution also, and respondent No.2 has equated the Diploma obtained by respondent No.3 with Diploma in Journalism, the selection is in no way arbitrary or discriminatory. The allegation of the so-called 'malafide intention' is also not tenable as it does not disclose any details thereof. It may be mentioned that the applicant was called for interview for the post along with other candidates and he was duly considered by the Selection Board. He has challenged the candidature and selection of respondent No.3 only after publication of the results in which he himself is not declared successful. In BRIJ KISHORE DUBEY & OTHERS Vs. UNION OF INDIA & ANOTHER (ATR 1989 (2) CAT 577), it has been held that validity of selection cannot be challenged if the applicant has participated in it.

7. In view of the foregoing facts, we see no force in the O.A. filed by the applicant. The same is hereby rejected being devoid of any merit, with no order as to costs.

(Signature)
(P.C. JAIN)¹¹⁽⁹⁾
Member(A)

(Signature)
(RAM PAL SINGH)¹¹⁽⁹⁾
Vice Chairman(J)