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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No.1136/91

New Delhi: dated this the 23<sup>rd</sup> day of May, 1997.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J).

Dr. (Mrs) Kanaklata Jena,  
W/o Dr. U.C. Biswas,  
Medical Officer( Candidate),  
Employee State Insurance,  
Corporation,  
4, Kotla Road,

New Delhi

.... Applicant.

(By Advocate: Shri G.D. Bhandari )

Versus

1. Employees State Insurance  
Corporation through  
the Director General,  
Panchdeep Bhawan,  
4, Kotla Road,  
New Delhi.

2. Union of India through  
Secretary,  
Ministry of Labour,  
Govt. of India,  
New Delhi

.... Respondents.

(By Advocate: Shri G. R. Nayyar.)

JUDGMENT

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

Applicant prays that respondents be directed to consider her candidature for appointment as Insurance Medical Officer( Rs.2200-4000) based on overall merit.

2. As per ESIC(Medical Posts) Recruitment Regulations, 1979 the Selection Board is to consist of a part-time Chairman of the status of Addl. Secretary, G.O.I who may be appointed by the Director, ESIC with the specific approval of the Chairman ESIC; 2 Medical Experts and the Medical Commissioner, ESIC as the departmental

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representative.

3. We find from the proceedings of the ESIC Selection Board which were shown to us by respondent's counsel that pursuant to the CAT's interim orders dated 4.6.91 in this OA, applicant was provisionally interviewed by a duly constituted Selection Board on 30.12.91 along with others as she could not appear before the Selection Board dispersed on 5.6.91, she being at that time in Orissa.. No materials have been furnished by applicant to cast doubt on the constitution of the Board in term of the Regulation referred to in paragraph 2 above.

4. The interview record shows that applicant obtained 30 marks. The Chairman, Selection Board's letter dated 14.6.91 which was also shown to us discloses that the Board followed a system whereby a candidate securing less than approximate 20 marks from the experts or less than 50 marks in all would be considered unfit. Applicant has not been able to establish that any candidate with less marks than her, or indeed one who has secured less than the yardstick fixed above was selected.

5.. No person has a legally enforceable right to be appointed. A person has a right only to be considered for appointment provided he/she is liable for the same. In the present case, the applicant prayed for consideration of her candidature for appointment and she was considered by a duly constituted Selection Board. We are unable to find any legal infirmity in the constitution of the Selection Board or the selection process which would warrant

our judicial intervention.

6. The OA is dismissed. No costs.

*Lakshmi Swaminathan*  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER (J)

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

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