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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2010/92

New Delhi: this the 26th November, 1997.

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

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

Vijender Pal Bhatia,
S/o Shri S.C.Bhatia,
R/o 101/A-IV/ Sector IV,
Rohini,

New Delhi -34,
working as UDC in the office
of the Regional Provident Fund
Commissioner,

New Delhi Applicant.

(By Advocate: Shri S.S.Tewari)

Versus

Union of India,
through

Secretary,
Union Public Service Commission,
Dholpur House,
Shajahan Road,
New Delhi.

2. Mr. Robin Banerjee,

17A/11 WEA,
Karol Bagh,
New Delhi -5

..... Respondents.

(By Advocate: Shri K.C.Sharma for R-2,
Shri S.M.Arif for R-1)

JUDGMENT

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

Applicant impugns the selection
of Respondent No.2 and other candidates for
the post of Enforcement Officer/Asstt. Accounts
Officers and seeks a direction to respondents
to hold a fresh selection.

2. As per Recruitment Rules notified
on 21.2.90 (Annexure-II) candidates with
degree qualification and with 3 years experience
in accounts or establishment were eligible for

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direct recruitment as ED/AAD, Employees Provident Fund Organisation. Accordingly UPSC advertised 56 vacancies on 23.3.91. Applicant as well as Respondent No.2 were called for the interview. Respondent No.2 was selected, while applicant was not.

3. Applicant alleges that respondents illegally shortlisted the candidates to those having 9 years experience or more, and although he possessed the necessary 9 years experience he was not selected, while those possessing less than 9 years experience including Respondent No.2 were selected. He alleges that respondents have created a class within a Class and denied equal treatment to similarly situated persons which is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution.

4. We note that applicant as well as Respondent No.2, both possessed the essential qualification and both were called for the interview, in which Respondent No.2 succeeded, but applicant did not. In this connection, we note that in the Recruitment Rules a degree in Law from a recognised University or equivalent is mentioned as a desirable qualification. Official respondents in their reply have stated that candidates possessing desirable qualification of degree in Law in addition to the essential qualification were given some weightage in experience, and those candidates possessing desirable qualification but less experience than those with 9 years experience but without any desirable qualification were also considered

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by UPSC and some of them were recommended on the basis of their performance in the interview.

5. Applicant challenges the degree of Bachelor of General Laws obtained by Respondent No.2 as a private candidate from Kurukshetra University in June, 1988 on the ground that the same is not recognised by Bar Council of India for purposes of enrolment as an Advocate. Reliance is placed on 1994(2) SCC 102 Bar Council of India Vs. Arpana Basu Mallick & Ors.

6. This argument does not avail the applicant, because the desirable qualification prescribed in the Recruitment Rules is a degree in Law from a recognised University or its equivalent. There is no stipulation that only those persons will be held to possess the said desirable qualification who were not private candidates or who can enrol as Advocates under the Advocates Act. Kurukshetra University is admittedly a recognised University and Respondent No.2 having obtained a degree as Bachelor of general Laws from there, albeit as a private candidate, must be deemed to possess the desirable qualification prescribed in the RRs.

7. The Hon'ble Supreme Court has laid down in a catena of judgments that it is open to UPSC to shortlist candidates where the number of applications is very large in comparison to the number of vacancies. Applicant has no enforceable right to be selected. He had only an enforceable right to be considered for selection and he was duly considered, but unfortunately could not be selected/ ^{against}

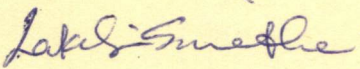
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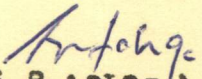
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even 1 of the 56 vacancies advertised, although we understand that Respondent No.2 who was selected, secured a place somewhere around the middle in the aforesaid 56 vacancies. Applicant has not specifically challenged the selection of any of the other candidates who secured positions below Respondent No.2.

8. Applicant's counsel has also referred to the rulings in JT 1996 (11) 37 and 1990(3) SCC 655 but in the facts and circumstance of the case as noted above, the above rulings do not help him, and the OA warrants no interference.

9. The OA is dismissed. No costs.


(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

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