

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 216/93

New Delhi, this the 12th day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. R.K. Ahoja, Member (A)

Shri S.K. Srivastava,
S/o Shri Vijay Kumar Srivastava,
Resident of E-87, Sector-22,
Noida,
Ghaziabad (U.P.)

....Applicant

(By Advocate: Shri S.D. Raturi,
proxy for Shri G.D. Gupta)

Versus

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Food,
Krishi Bhawan,
New Delhi.
2. Chief Director (Sugar),
Directorate of Sugar,
Department of Food,
Ministry of Food,
Krishi Bhawan,
New Delhi.
3. The Union Public Service Commission,
through its Secretary,
Dholpur House,
Shajehan Road,
New Delhi.
4. Shri M.C. Katyal,
Technical Assistant (Sugar Technical),
Directorate of Sugar,
Ministry of Food,
Krishi Bhawan,
New Delhi.

....Respondents

(By Advocate: Shri K.R. Sachdeva with
Shri R.P. Aggarwal)

ORDER (Oral)

By Reddy, J.-

In pursuance of advertisement dated 11.5.91
applications were invited for filling up two posts of
Junior Technical Officer (Sugar Technical)/Inspecting



Officer (Technical) in the Directorate of Sugar. The essential qualifications prescribed for the above two posts were Degree in Science of a recognised University with Post Graduate Degree/Diploma in Sugar Technology from a recognised University/Institution or equivalent and two years' experience in sugar industry.

2. In response to the advertisement, 73 applications were received and applicant was also one of them. Because of large number of applications received, the respondents had adopted a short-listing criteria by which only candidates having the experience of 4 years, and who have fulfilled the essential educational qualifications were called for interview. In view of the above short-listing, 23 candidates were called for interview and two persons have been eventually appointed and R-4 is one of them. The applicant is challenging in this application the principle of short-listing. It is his case that the increase in the length of experience from 2 to 4 years is contrary to the essential qualifications prescribed under the advertisement and also contrary to the Recruitment Rules of 1987 and by virtue of this illegal criteria the applicant had been excluded from consideration by the UPSC.

3. Learned counsel for the respondents submit that the principle of short-listing is well-known in the UPSC and it was adopted only to reduce or minimise the huge number of applications and to facilitate a proper interview and selection. It was also contended that enlargement of the experience of 4 years is not contrary to the essential qualifications prescribed under the advertisement. An additional

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affidavit was also filed by Respondent No.3 stating that applicant was, infact found ineligible for the post. It is, therefore, contended that the applicant, in any event, is not entitled to be selected.

4. It is to be seen first whether the applicant is qualified or eligible and whether he meets the minimum qualifications as prescribed under the notification. As per this notification two requirements were essential, one is Educational i.e. one should have passed the Degree in Science of a recognised University with Post gradugate degree/diploma in sugar Technology and the other is as regards experience, the minimum required was 2 years' in Sugar Industry. In the additional affidavit filed by R-3 it is clearly stated that though the applicant had obtained post-graduate diploma in Sugar Technology, he did so only in 1990. He filed the certificate issued by the National Sugar Institute (Annexure-E) as having passed the test in 1990. He claimed experience from 5.4.80 to 30.5.91 which is erroneous. He can claim experience only from 1990. As a consequence he did not even meet the minimum of 2 years experience after acquiring the necessary qualification as prescribed under EQ (ii) as on the relevant date i.e. 30.5.91. Since the experience of 2 years is the minimum, essential qualification that is required under the notification and since the application did not even possess the minimum qualification we have no hesitation in holding that the applicant has not even a eligible candidate for consideration.

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5. Secondly, the contention as regards the short-listing is also of no substance. It is well settled that any recruiting agency is entitled to short-list the names when a huge number of applications were received for few vacancies to see that proper and effective interviews are held within the available time span. It cannot be said that the fixation of 4 years experience for a person who had qualified under EQ (ii) is invalid or is contrary to the rules. It is always permissible for calling persons for interview with better experience leaving out less experienced candidates. It is not a case of malafide action. No allegation of favouritism was attributed to the respondents. We are, therefore, of the view that short-listing was done bonafide and only eligible persons were called for interview and selected.

6. In view of the above we do not find any merit in this OA. OA is, therefore, dismissed.

Rk Ahuja
(R.K. AHOOJA)
Member (A)

cc.

VR Rajagopal Reddy
(V. RAJAGOPALA REDDY)
Vice Chairman (J)