

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 702 of 1997

this the 5th day of February' 2001.

HON'BLE MR JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MR M.P. SINGH, ADMINISTRATIVE MEMBER

Atul Srivastava, S/o Sri A.B. Lal Srivastava, aged about
30 years, R/o 787, Daryabad, Allahabad.

... Applicant.

By Advocate : Sri A.B.L. Srivastava.

Versus.

Union of India through the Director General of Works,
Central Public Works Department, Nirman Bhawan, New Delhi.

2. The Superintending Engineer, Allahabad
Central Circle, Central Public Works Department, Ex-Officio
and Examination Controller, 841, University Road, Allahabad.

... Respondents.

By Advocate: Sri Pankaj Srivastava holding brief of Sri
Satish Chaturvedi.

ORDER (ORAL)

JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

The controversy raised in this application, under section 19 of the Administrative Tribunals Act, 1985, is whether the respondents could provide a condition in the advertisement that only those candidates will be eligible to appear in the examination, who had secured 60% of marks in Diploma examination of Civil Engineering. In the present case, the applicant applied ^{for appointment in} the post of Junior Engineer, in pursuance of the advertisement published by the Central P.W.D. which prescribed that the candidates belonging to General category and other Backward Classes must have secured 60% of marks in Diploma examination of Civil Engineering. Similar controversy was examined by the Principal Bench of this



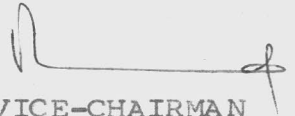
Tribunal in O.A. no. 3059/91 in re. Haroon Sartaj Khan Vs. Union of India & Others and O.A. no. 96/92 in re. Kapil Batra Vs. Union of India & Others. The Division Bench of Principal Bench at New Delhi held, in both the aforesaid cases, that such condition can be provided by the respondents. It has been observed that ^{how a} the recruitment to a service should be made? are all matters which are exclusively within the domain of the executive. It is not for judicial bodies to sit in judgment over the wisdom of the executive in choosing the mode of recruitment or the categories from which the recruitment should be made. In this case, the minimum percentage was prescribed to keep the number of candidates within manageable limits. We find that the order^u of the Principal Bench are squarely applicable in the present case. The application has no merit and is accordingly dismissed. No order as to costs.



MEMBER (A)

ALLAHABAD: Dated : 5.2.2001.

GIRISH/-



VICE-CHAIRMAN