

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 12th day of November 1994.

Original Application no. 210 of 1993.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Gyan Prakash Singh, S/o Shri Pal Singh, R/o Vill. Semuhi,
Post Rampur, Distt. Jaunpur, a candidate for appointment
as Inspector in Customs or Income Tax Dept. of

..... Applicant

C/A. Shri A.N. Tripathi

Versus

1. Staff Selection Commission, Central Zone, 8-A Beli Road, Allahabad, through its Secretary.
2. Union of India through its Ministry of Finance & Revenue, New Delhi.

..... Respondents

C/R Shri Prashant Mathur

ORDER

Hon'ble Mr. S. Dayal, Member-A

This is an application under section 19 of the Administrative Tribunal Act, 1985, for relief of the Tribunal ^{should satisfy} ~~satisfying~~ itself regarding the marks acquired by the applicant in the written test and the interview, for a direction to the respondents to hold the interview again to determine the merit of candidates, for quashing of selection list prepared by the Staff Selection Commission (Respondent no. 1) and for restraining the Ministry of Finance and Revenue (Respondent no. 2) ^{from} ~~from~~ appointing any candidates on the selection list

published in Employment News of 5th to 11th December 1992 and keep one post vacant.

2. The grounds on which reliefs are claimed, are that the Supreme Court has stipulated that marks of interview should not be more than 12.2 % and, therefore, they should have been 50 and not 100 for the examination in which four written papers had 400 marks, that 100 marks at the interview had illegally affected the merit of the candidates, that the applicant had a brilliant academic career (because he never failed and took part in extra curricular activities) and would have scored not less than 80 % marks at the written test and should have qualified at the interview, that the scheme of examination required a candidate to qualify in each paper at the written test but did not make it necessary for him to qualify in the interview, and, therefore, marks at the interview should not have been a criterion for not selecting and recommending the applicant, that the applicant has not been supplied marks obtained nor the merit list, and, lastly, that the interview was not fair as more candidates numbering more than five times the vacancies were called for interview instead of three times.

3. The learned counsel for the applicant Shri A.N. Tripathi was heard for the applicant. He cited para 19 of AIR 1981 SC 1487, para 29 of AIR 1987, SC 454, para 11 of AIR 1988 SC 162 and para 8 of AIR 1991 SC 1011. The learned counsel for the respondents Shri Prashant Mathur mentioned that in case of Indian Airlines Corporation Vs. Capt. K.C. Shukla & Others (SCC-Lrs-1993 page 114) the Supreme Court has held that even 40 % marks for the interview are valid.

4. The respondents have statedⁱⁿ their reply that the applicant^{had} not preferred any representation before the appropriate authority and hence his application was not maintainable. It has been denied that passing in all the four papers was necessary. It has been stated that after evaluating the written, a cut off point is fixed for shortlisting the candidates. As regards the ground of more than 12.2 % marks for the interview, it has been stated that interview is only 20 % of the total marks and the applicant had given a declaration that he had read the provisions in the Notice of the examination carefully and he undertook to abide by them. It has been stated in the reply of the respondents (Para 10) that para 14 of the notice of the recruitment states that recruitment consists of written examination of 400 words and Personality Test of 100 marks and para 15 (a) required the drawing up of separate lists of different categories in the order of merit based on the marks of written and personality tests together. It is also mentioned that 866 candidates were called of which 326 were selected. Thus less than 3 candidates per vacancy were invited for interview.

5. We have considered the ratio of the decisions cited by the counsel for the applicant. The case of Ajai Hasia Vs. Khelid Mujib is not in parimateria because the interviews were of 2 or 3 minutes^e for admission to engineering Collage in which question^{unrelated} ~~narrated~~ to knowledge of subjects were put and in such situation the marks for interview were not^{to} exceed 15 % of the total marks.

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The case of Ashok Kumar Yadav Vs. State of Haryana (AIR 1987 SC 454) was regarding recruitment to Haryana Civil Service for Executive Posts where job contents required higher conceptual input, 1300 candidates were called for interview against 61 vacancies originally which went upto 119 when interview took place, and was filled by a number of candidates who were able to prove the bias in interview assessments. In such a case a percentage of 12.2 % of total marks in case of general category candidates and 25 % in case of candidates of ex servicemen category ~~and~~ was approved and it was recommended that the percentage adopted by the Union Public Service Commission should be adopted and followed by State Public Service Commission. It has been observed in the judgement that there cannot be any hard and fast rule regarding precise weight to be given to Viva Voce which must depend on the requirement of the service, the minimum qualification prescribed, the age group from which the selection is to be made, the body holding the Viva Voce etc. The case of Vikram Singh and another Vs. The Subordinate Services Selection Board, Haryana, is also not in parimateria as in that case two interviews, one having 12.5% of the total marks as those for the interview and another keeping 28.5 % marks for the interview after the written examination and it was held that 28.5 % of total marks for the interview was unreasonable and it was against the principle laid down in Ashok Kumar Yadav's case.

6. Having considered the ratio, we are of the opinion that the Supreme Court has not intended that the marks for Personality Test for all Civil Posts should only be 12.2 % ~~or less~~ for all times to come. There

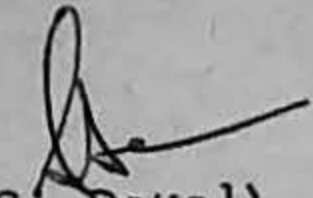
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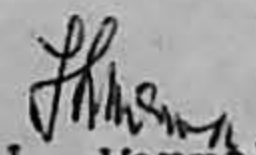
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are posts in which the work requires higher conceptual inputs and personality test should have much less weightage than written test which assesses the conceptual inputs quite adequately. But in cases where the job requirements are for field work which requires initiative, observation, quick reaction, the marks of Personality Test will have to be higher as suitable written examination for ^{assessing} ~~asking~~ these quantities here not been ^{divided} ~~divided~~. The post of Inspector is one such post and 20 % of the ~~marks on 20 % of the~~ total marks cannot be considered to be excessive and inconsistent with the ratio of the decision of the Supreme Court.

7. We, therefore, find no merit in the application and ~~dismissed~~ it.

8. There shall be no order as to costs.


(S. Dayal)
Member-A


(T.L. Verma)
Member-J

/pc/