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Original Application No. 233 of 1988.

Date of decision : May 26, 1992.

Miss Nibedita Mohanty ... Applicant.

Versus

Union of India and another ... Respondents.

For the applicant ... M/s. Bijan Ray
S.D. Das,
A.S. Nandy, Advocates.

For the respondents ... Mr. Ashok Mohanty,
Standing Counsel (Central)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MISS. USHA SAVARA, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *h*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

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THE HONOURABLE MISS. USHA SAVARA, MEMBER (ADMINISTRATIVE)

J U D G M E N T

K. P. ACHARYA, V. C., In this application under section 19 of the

Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to call the applicant for interview for the post of Programme Executive.

2. Shortly stated, the case of the applicant is that after obtaining M.A. degree in Oriya from Utkal University, the applicant in response to an advertisement published by the Union Public Service Commission, applied for the post of Programme Executive in All India Radio and Doordarshan (in Oriya) (for women and children programme). The applicant was called to stand the interview (her roll number being 3072) and she appeared for the interview on

8.5.1987. The applicant has neither been communicated with the result of the interview nor any appointment letter has been issued. Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicant was called for the interview on 8.5.1987 but in the meanwhile a judgment of the Cuttack Bench was received which formed subject matter of O.A.131 of 1987 in which one Padmalochan Das was the applicant. After receipt of the said judgment the Union Public Service Commission decided to adopt short-listing of the candidates to be called for interview and for short-listing qualification and experience had to be raised from the minimum prescribed. As a result of short-listing only 12 candidates, who come up to the raised criteria were called for interview and the application^s of rest of the candidates were rejected on grounds of availability of better candidates. It was further maintained in the counter that though the present applicant possesses the minimum requisite qualification as per the advertisement, she could not be called again for interview as she did not fulfil the qualifications required under the revised criteria. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B. N. Udgata, learned counsel for the applicant on behalf of Mr. Bijan Ray and Mr. Ashok Mohanty, learned Standing Counsel (Central) on merits of the case. The main plank on which the respondents propose to rest their case against the present applicant is the

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judgment passed in O.A 131 of 1987. This Bench ^{in its} judgment dated 30.11.1987 in O.A.131 of 1987 held that serious prejudice had been caused to Padmalochan for not having been called to the interview and it was therefore directed that the same interview Board ^{which} ~~who~~ had interviewed other candidates should be ^{convened} ~~be informed~~ to interview the said Padmalochan and if for any reason it would not ^{be} possible to ~~convene~~ the same interview Board another should be constituted and the applicant should be interviewed. After receiving a copy of the said judgment, while carrying out the directions given in the said judgment shortlisting of candidates was made by the Union Public Service Commission and since the present applicant did not come within the category of being successful for interview, she was not called to the second interview Board.

5. It is significant to know that the applicant was admittedly eligible for being interviewed on 8.5.1987, presuming that short-listing must have taken place before such interview was conducted. Even if shortlisting was not done prior to the first interview, no convincing reason was given to us as to why shortlisting procedure was adopted in the second interview when only candidate i.e. Padmalochan (applicant in O.A.131 of 1987) was to be interviewed, keeping in view the directions of the Bench that the applicant in that case should be interviewed by the same Board or by another Board if Members of the previous Board were not available. The question of more number of candidates for the second interview Board does not arise especially in view of no convincing reasons stated in the counter. Therefore,

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we find no merit in the case set up by the respondents. We would direct that the result of the interview conducted on 8.5.1987 in regard to the applicant Miss Nibedita Mohanty be communicated to her and in case she is found suitable appointment to the post in question should be given to her, *within sixty days from the date of receipt of a copy of this judgment.*

6. *✓* Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B. Sanyal

 MEMBER (ADMINISTRATIVE)

B. Sanyal
 26.5.92
 VICE-CHAIRMAN

Central Administrative Tribunal
 Cuttack Bench, Cuttack
 May 26, 1992 /Sarang

