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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 728 OF 1994.

Cuttack, this the 20th day of September, 1999.

SMT. RASMIPRAVA NAIK

....

APPLICANT

-VERSUS-

DIRECTOR, REGIONAL RESEARCH LABORATORY

RESPONDENTS.

AND OTHERS

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not ? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal ? NO.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
20.9.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

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ORIGINAL APPLICATION NO. 728 OF 1994.

CUTTACK, THIS THE 20TH DAY OF SEPTEMBER, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL)

....

Smt. Rasmiprava Naik,
Aged about 28 years,
W/o Gopal Ch. Naik
of Village/Po. Patrapada
P.S. Khandagiri
Dist. KHURDA

..... APPLICANT

By legal practitioner: M/s G.C. PATTNAIK, A.K. NAYAK, Advocates

- VERSUS -

1. Director,
Regional Research Laboratory (Council)
for Scientific and Industrial Research,
Bhubaneswar, Dist. Khurda
2. Chief Controller of Administration,
Regional Research Laboratory (Council)
for Scientific & Industrial Research,
Bhubaneswar, Dist. Khurda
3. Administrative Officer,
Regional Research Laboratory (Council)
for Scientific & Industrial Research,
Bhubaneswar, Dist. Khurda

..... RESPONDENTS

By legal practitioner : Mr. U.B. Mohapatra, Additional Standing
Counsel (Central)

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this application under section 19 of the Administrative Tribunal Act, the applicant has prayed for a direction to the Respondents to declare the result of the applicant and to issue appointment letter to her as Junior Stenographer. The second prayer is for cancelling the advertisement published in the daily 'SAMAJ' dt.13.8.94 (ANNEXURE-2).

2. The facts of this case according to the applicant are that in response to an advertisement in local Newspaper, the petitioner applied for the post of Junior Stenographer in the scale of Rs.1200-2040/-. The post was meant for Scheduled Caste and Scheduled Tribe candidates. The applicant who belongs to Scheduled Caste was called to a test at 9 A.M. on 21.5.94 at Regional Research Laboratory, Bhubaneswar. According to the call letter at ANNEXURE-1, the proficiency test in English Typewriting was for a speed of 40 words per minute. The second test was competitive proficiency test in English Shorthand at a speed of 80 words per minute. She was also asked to bring all her original certificates and documents. The applicant had stated that she appeared at the test and learnt that she stood first in the interview/test. While she was waiting for the appointment letter, she found that a fresh advertisement has been published in 'SAMAJ' on 13.8.94 for the same post inviting applications by 10.9.94. She approached Respondent Nos.2 & 3 desiring to know the result of interview/test given by her on

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21.5.94. But her result was not disclosed to her. She learnt from the office of the Respondents that she has stood first but the result of the test was not declared, nor it was cancelled. It is stated that the authorities are interested in appointing one of their relatives to the post. That is why the applicant has come up in the petition with the prayers referred earlier.

3. By way of interim relief, the applicant had prayed that the test in pursuance of the advertisement at ANNEXURE-2 should be stayed and all records of the earlier test on 21.5.94 should be produced before the Tribunal. On the day of admission of this application, by way of interim relief, it was ordered that in case the post has remained unfilled till that day, then the post should not be filled till further orders from the Tribunal.

4. Respondents in their counter have stated that one post of Junior Stenographer reserved for Scheduled Caste candidate was advertised in January, 1994. 113 candidates were called for English Typewriting and Shorthand test on 21st and 22nd of May, 1994. 83 candidates appeared at the test which was conducted by an outside examiner who also evaluated the Typewriting test scripts and Shorthand papers and in the result submitted by the outside examiner to the Respondents, the applicant was shown at Sl.No.1 in the Result Sheet. While the papers were been processed for approval of the competent authority, it was noticed that the examiner has ignored obvious mistakes and did not work out the Typing speed of the candidates. The outside examiner was called to the office of the Respondent No.2 on 15.7.94 to clarify the position. As the mistakes ignored were

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obvious, the examiner corrected the result under his signature. According to the corrected result, the applicant had a Typing speed of 33.1 words per minute as against the prescribed speed of 40 words per minute. The number of mistakes in the Typewriting test by the applicant was found to be 9 against the permissible limit of 6. As the applicant did not qualify for the appointment, the post was re-advertised. Respondents have stated that in response to the advertisement at ANNEXURE-2, 156 candidates have already applied. The petitioner has also applied for the second time in response to the advertisement at ANNEXURE-2. The applicant will be called to the test and if she secures first position, she would be offered the post, as there is only one post. Respondents have denied that they are not interested in giving service to the applicant. On the above grounds, Respondents have opposed the prayer of the applicant.

5. When the matter was called for hearing on 17.8.99, Learned Counsel for the petitioner was absent nor was any request made on his behalf seeking adjournment. In view of this, we have heard Shri Uma Ballav Mohapatra, Learned Additional Standing Counsel for the Respondents and have perused the records.

6. The applicant has stated that she has stood first in the first test in May, 1994. But her result has not been declared. She has prayed for a direction to declare the result. From the counter of the Respondents, it is seen that the examination was conducted by an outside examiner. He had not initially worked out the Typewriting speed of candidates and left out obvious mistakes in the script. Later on, he had corrected the same under his own signature

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and as from the result, the applicant had not qualified in the Typewriting test because of less speed and more than permissible mistakes. As the applicant has not qualified in the Typewriting test, it is not possible to give a direction to the Respondents to issue appointment order in her favour which is the second prayer of the applicant. In any case, the Respondents have not chosen any other person in preference to the applicant. All they have done is, to advertise the post again. The applicant who had proved to be best amongst the first lot of candidates could not qualify. The other candidates naturally must not have qualified. It is also seen that the petitioner had applied in response to the second advertisement at ANNEXURE-2 and the Respondents have stated that she will be called to the interview and if she qualifies and stands first, she would be given appointment. As there is only one post, only the person coming first could be appointed.

7. The law is well settled that the Tribunal can not interfere with the findings of the selection committee. In this case, according to the re-evaluation made by the outside examiner, none of the candidates including the applicant has qualified and therefore, she can not be appointed to the post. In these circumstances, Respondents were right to re-advertise the post. This also can not be interfere with.

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8. In the result, we hold that the applicant is not entitled to the relief claimed by her. The application is accordingly rejected but with no order as to cost. The stay order earlier granted stands vacated.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

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Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
20.9.99

b/-