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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.


Original Application No.39 of 2007  
Cuttack, this the 19<sup>th</sup> day of January, 2010

Pratima Sahoo ..... Applicant  
Versus  
Union of India & Others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

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CUTTACK BENCH: CUTTACK

O.A.No.39 of 2007

Cuttack, this the 19<sup>th</sup> day of January, 2010

C O R A M

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)

A N D

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

.....

Pratima Sahoo, aged about 27 years, daughter of Ananta Ch. Sahoo,  
Plot No.A/E 241, V.S.S.Nagar, Bhubaneswar-7, Dist. Khurda.

.....Applicant

Legal practitioner : M/s.P.K.Rath, P.K.Satpathy, R.C.Jena,  
A.K.Rout, R.N.Parija, Counsel.

- Versus -

1. The Union of India represented through Director General, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2-Rafi Ahamad Kidwal Marg, Nw Delhi.
2. Regional Research Laboratory, Council of Scientific & Industrial Research represented by its Director, Bhubaneswar-751 013.
3. Administrative Officer, Regional Research Laboratory, Council of Scientific & Industrial Research, Bhubaneswar-751 013.
4. Dipti Ranjan Nayak, Sri Jagannath Temple Office, Grand Road, Puri, Dist. Puri.

....Respondents

Legal Practitioner : Mr. U.B.Mohapatra, SSC, and  
M/s.D.R.Pattnaik, N.Biswal, N.S.Panda  
(Res.No.4)

O R D E R

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

Selection and appointment of Respondent No. 4 (Dipti Ranjan

Nayak) to the post of Technical Assistant Grade III under the Respondents has been questioned seeking the same to be quashed on the grounds that merit of the candidate ought not to have been adjudged based only on viva voce test; Respondents 1 to 3 conducted the selection in gross violation of the Rules and various guidelines issued by the Government of India from time to time and only to select their blue eyed person i.e. Respondent No.4 without conducting

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any written test to judge the merit of the candidates. Applicant has also alleged that nepotism, favouritism cannot be ruled out where the selection is based only on the result of the viva voce test and no other means, and Respondent No.4's having been made in such a manner, the same needs to be quashed. Hence, this OA.

2. In reply, it has been contended by the Respondents that including the application of the applicant 36 applications were received by them pursuant to the advertisement No.20/2004 for recruitment to the post of Junior Engineer (Civil) Grade III (1) as per CSIR Service Rules, 1994 for recruitment of technical support staff. From among 36 candidates, 16 candidates, including the applicant, were called upon to appear at the interview scheduled to be held on 04.08.2006. Out of these 16 candidates only 11 candidates appeared before the selection committee. The selection committee interviewed the candidates and based on their performance and marks secured by individuals, recommended the name of Respondent No.4 for appointment to the said post. Copy of the tabular statement showing the marks secured by different candidates is annexed to the counter by the Respondents as Annexure-R/1. By producing copies of the Rules, 1994 *ibid*, it has been stated by the Respondents that the selection was conducted as per CSIR Service Rules, 1994- for Recruitment of Technical Support Staff. It has been stated that in para 10.2, 10.3.1 and 10.3.2 of the aforesaid rules power has been vested with the selection committee to adopt its own criteria for interview/trade tests. Based on the said rules selection committee was duly constituted by the competent authority comprising five members viz; a senior scientist as Director's nominee, one supervisory level expert from out side CSIR system, one senior scientist who supervises the engineering service of the laboratory, a lady scientist as woman member and a very senior scientist

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from other CSIR laboratory as Chairman. There is no provision in the rules that written test is mandatory. In view of the above, it has been contended by the Respondents that as the entire process of selection was made in accordance with rules and ~~there was~~ no favouritism or nepotism had taken place in the process of interview, they have prayed for dismissal of this OA.

3. Learned Counsel for both sides have reiterated the stand taken in their respective pleadings and after giving a patient hearing to various submissions made in course of hearing perused the materials placed on record. But even after detailed scrutiny of the entire matter, we find no force in the submission of the Learned Counsel for the Applicant to interfere in the process of selection adopted by the Respondents. In the advertisement at clause 18 it was specifically made known to the aspirant candidates that 'the decision of the RRL in all matters relating to eligibility, acceptance or rejection of applications, **mode of selection, conduct of interview** will be final and binding on the candidates and no interim inquiry or correspondence will be entertained'. In the Rules there has been no whisper that the written test was a mandatory one – rather it is seen that power has been vested with the duly constituted Selection Committee to evaluate the suitability of the candidates by conducting an interview and, in fact, in the instant case as seen from the records as also it is the admitted case of the applicant that the suitability of the candidates was adjudged only by interview. The applicant, in an indirect manner seeks to attribute mala fide in the matter of awarding marks in the process of interview but without making any of the members of the Selection Committee as a party in this OA. Even if he had ~~had~~ made them party, we would not have been prepared to accept such allegation of mala fide because it is beyond imagination as to why all the members became vindictive to the Applicant just to show favouritism to the Respondent No.4. Hence we are

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constrained to hold that the Applicant has utterly failed to make out a case in his favour. Resultantly, this OA stands dismissed. No costs.

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(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

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(C.R. MOHAPATRA)  
MEMBER (ADMN.)

