

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.323/2014

Jodhpur, this the 15th day of April, 2015

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Umesh Chandra Suryavanshi S/o Shri Ramesh Chandra, aged 38 years, R/o 547, Chaman Pura, Hatipol, Loha Bazar, Behind Jama Mosque, Udaipur (Raj.).

.....Applicant

By Advocate: Mr. Srikant Verma.

Versus

1. Kendriya Vidyalaya Sangathan (HQ), through Commissioner, Address: 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.
2. Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan (HQ), Address: 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi-110016.

.....Respondents

By Advocate : Mr. Avinash Achariya.

ORDER (Oral)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 against the irregularities and apparent corruption in recruitment process of post graduate teacher (Economics) due to which applicant's candidature was not considered and has prayed for the following relief(s):

1. *That this original application may kindly be allowed with costs, and*
2. *The record of the recruitment process of Post Graduate Teacher (Economics) may kindly be called for, and*

interview may kindly be directed to be conducted afresh while managing for its recording; and

4. *The entire recruitment process of recruitment process of Post Graduate Teacher (Economics) may kindly be quashed looking to the corruption in the interview; or in alternate*
5. *The respondent organization may kindly be directed to enquire into the recruitment process of Post Graduate Teacher (Economics) for pointing out the responsible offices for the corruption in the said recruitment under the kind monitorship of this Hon'ble Tribunal; and*
6. *Any other relief which this Hon'ble tribunal deems fit and proper in the facts and circumstances of the case, may kindly be passed in favour of the applicant and against the respondents.*

2. Brief facts of the case as averred by the applicant are that the applicant, being fully eligible, has been serving as Post Graduate Teacher (Economics) Jawahar Navodaya Vidyalaya, Mohangarh (Jaisalmer) since 24.07.2008 to 31.03.2013. In support of his submissions he has annexed the copies of experience certificates as Annexure-A/1. The respondent organization issued an advertisement No.07 (Annexure-A/2) inviting application forms for recruitment on the post of Post Graduate Teacher in various subjects and last date for submitting the application forms was 12.09.2013. The applicant being fully eligible applied for the same in Economics subjects and subsequently he appeared in the written examination and did well and being qualified, he was called for interview vide communication dated 07.06.2014 (Annexure-A/3). The interview was fixed to be held on 30.06.2014 and the applicant appeared in Interview Board and his interview ran for more than half an hour and his performance was fine in interview. He also produced his experience certificate in support of his suitability and experience in teaching line and the applicant also improved his school's record 16.56 as may be seen at Annexure-A/4.

Subsequently final result (Annexure-A/5) was declared and the applicant was awarded following marks:-

Written Examination (120)	Weightage (70)	Interview (60)	Weightage (30)	Total Marks (100)
91	39.81	18	9	48.81

It has been further averred that the applicant scored 91 marks in the written examination and he was awarded only 18 marks in the interview, whereas the similarly situated persons, who were having similar or less marks than applicant were given very high marks in interview. In support of his submission, the applicant annexed the mark sheets of Shri Lallan Bharati, Rajesh Kumar and Amit Kumar at Annexure-A/7. It has been averred that it is clear that how some blue eyed persons have been accommodated in the interview and have been awarded much more marks than the applicant. It has been further averred that the interview process was mainly divided into three parts: (i) Lesson presentation, (ii) Psychology, (iii) General questions. But it is apparent that such process has not been followed because if such process could have been followed, then applicant would definitely be given marks for his experience. In such circumstances, the applicant submitted a representation (Annexure-A/8) before the respondent No.1 and requested to inquire into the matter, but no action has been taken till date. It has been reiterated that though the applicant has been serving as Post Graduate Teacher in an autonomous organizations of

Education and Literacy, Government of India, but his teaching experience was not given the due weightage and further less meritorious candidates have been placed in higher merits than the applicant on the basis of corruption and they have been given the marks then the applicant which appears to be illogical and thus it violates the entire recruitment process. On these points and grounds, it has been averred that due to corruption and arbitrary measurement of the respondent Organization in awarding marks to the candidates the fundamental rights of the applicant have been violated and therefore the recruitment process itself stands vitiated and the same deserves to be quashed and conducted afresh in the interest of justice and has thus prayed for the allowing of the OA.

3. By way of reply, it has been averred that the action of the answering respondents is perfectly legal, valid and in accordance with the service law jurisprudence. It has been stated that in the OA it has been alleged that the applicant has been serving in the Jawahar Navodaya Vidyalaya as PGT (Economics) since 24.07.2008 however in recruitment process of PGT (Economics) in response to the advertisement dated 20-26 July, 2014, the applicant secured 91 marks in the written examination and was awarded only 18 marks in interview held on 30.06.2014 though his performance was well in interview and that the candidates who secured less marks in written

interview and had the interview process been followed after considering his experience of teaching as PGT (Economics) in Jawahar Navodaya Vidyalaya he would have awarded more marks.

Regarding these allegations, it has been stated that the answering respondents had constituted the Interview Board comprising of eminent educationists from various reputed institutes, who are given free hand to award the marks in interview, based on the performance of the candidate. It has been further submitted that if a candidate secures good marks in written examination, it does not mean that he/she can perform well in interview also. Regarding the experience of serving in Jawahar Navodaya Vidyalaya, it has been submitted that each member of the Interview Board is given a copy of bio-data filled in by the candidate to be interviewed and each and every entry filled in by all the candidates including his/her qualification, experience etc. are considered by the members of Selection Committee. The selection of a candidate does not depend on his performance in written test only but the performance in interview is also necessary as the final merit list is prepared taking the weightage of written test and interview.

The Interview Board/ Committee awards the marks in interview after judging the performance of the candidates and not on the basis of the marks obtained by the candidates in written examination. Moreover, the Interview Board did not have any information of the marks obtained by the candidates in written examination and thus the

been further reiterated that the copies of the bio-data filled in by the candidates themselves are placed before the members of Interview Board and the Interview Board while interviewing the candidates considered the information filled in by them in their respective bio-data. The Selection Committee has awarded the marks in interview on the basis of the performance of the applicant and the applicant might not have performed well in interview and as such he was awarded only 18 marks by the Selection Committee. The marks awarded in the interview does not depend upon the marks obtained by the candidates in written examination but on the basis of the performance in interview as the marks of the written examination were not provided to the Selection Committee. It has been reiterated that the interview was conducted by the respondents through the Selection Committee comprising of eminent educationists as Chairman and Member who work independently. With regard to allegations made in sub para 7-8 regarding corruption or awarding more marks to blue eyed persons, it has been categorically stated that the decision of the Interview Board was on the basis of the performance of the applicant and further the applicant has not pointed out even a single incident of ill-will by the Selection Committee against him. The respondents have thus prayed for dismissal of the OA as the action of the respondents is fair, legal, valid and in accordance with service jurisprudence.

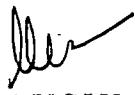
4. Heard both the parties. Counsel for the applicant reiterated the points raised in the OA and contended that though the applicant had done very well in the written examination and secured 91 marks out 120 marks but he was only given 18 marks out of 60 marks in the interview, though other candidates scoring similar marks in written examination were given much higher marks in the interview, which is not fair and proper and prayed that the relief(s) sought in the OA may be allowed.

5. Per contra, counsel for the respondents contended that as may be seen from Annexure-A/5, the applicant got 91 marks out 120 marks in the written test and 18 marks out of 120 marks in the interview and as per the scheme of recruitment (Annexure-A/2), the marks are combined with 70% weightage given to written test and 30 % interview. The applicant had applied for PGT (Economics) in response to the advertisement Annexure-A/2 and since he did not get the requisite marks he was not selected for appointment. Denying the allegations regarding corruption and favouritism, counsel for the respondents submitted that the Selection Committee consist of eminent educationists from reputed Institutes who awarded the marks in the interview based on the performance of the candidates. He further submitted that the marks of the written test are not provided to the Interview Board but the copy of the bio-data as filled in by the

the Selection Committee considers all the points filled in the bio-data including the experience. He contended that the whole process of the selection including the performance, assessment in the interview was fair and transparent and there is no illegality in the entire process and he further contended that once the candidate appears in the interview he cannot challenge the legality of the same and in this context he cited the judgment of the Hon'ble Apex Court reported in 1995 SCC (L&S) 712, in which it has been held that assigning lower marks in viva-voce to the candidate who have obtained higher marks in the written examination does not amount to unfair treatment and determination of quantum of marks to be given to the competing candidates is the function of the Interview Committee. Accordingly, he prayed for the dismissal of the OA.

6. Considered the rival contentions of both the parties and perused the record. It is seen that the applicant applied for Post Graduate Teacher (Economics) and secured 91 marks out of 120 marks in the written test part -II and 18 marks out of 60 marks in the interview. As per the scheme outlined in the advertisement itself, the weightage of written test in part II in interview will be 70:30. The main allegation of the applicant has been that though he had secured high marks in the written test he has been given very low marks in the interview which is not fair and rather candidates scoring similar marks in written test

the reply and as contended by the counsel for the respondents the Selection/Interview Board consists of eminent educationists and further they give marks to the candidates on the basis of the performance in the interview and are provided a copy of the bio-data as filled in by the candidates but the written marks are not provided to the Selection/Interview Committee. On the basis of these facts and averments, there is force in the contentions of the counsel for the respondents that there is no basis to allege any unfairness on the part of the Interview Board in awarding marks to the candidates or that the experience of the applicant as PG Teacher on part time basis in the Jawahar Navodaya Vidyalaya as per Annexure-A/1 was not considered. Thus, keeping in view the aforesaid position and the judgment of the Hon'ble Apex Court cited by the counsel for the respondents, there appears to be no merit in the case put forward by the applicant and the decision of the respondents suffers from no administrative lacunae or legal infirmity. Accordingly the OA lacks merits and is hereby dismissed with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member

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