

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1046/97

8-8-2001

Present : Hon'ble Mr.D. Purkayastha, Member (J)
Hon'ble Mr.V.K.Majotra, Member(A)

Sujit Kumar Das

-Vs-

Union of India (A.I.R.)

For the applicant : Mr.Samir Ghosh
Mr.D.B.Mullick

For the respondent : Ms K.Banerjee (Offl.Res)
Mr.P. Bhaskaran(Res.8)
Mr.P.K.Arora(Res.9)

Heard on : 3-8-2001

ORDER

Mr.V.K.Majotra, Member(A) :

The applicant has assailed empanelment on the post of Technician of Respondent No.7 and Respondents 8 and 9 to the exclusion of the applicant and appointment of Respondent No.7 on the post of Technician with the respondents. The respondents had initiated the process of filling up 4 posts of Technician (2 SC, 1 ST and 1 OBC) requisitioning names from Employment Exchange. The prescribed qualification for the post of Technician are as follows:

The candidate must be Matriculate or equivalent and also shall have (a) a two years trade certificate from an ITI in Radio/TV Electronics/Electrical or equivalent with one year practical experience after obtaining certificate or (b) A one year trade certificate from an ITI in Air-conditioning and Refrigeration with two years experience after obtaining the certificate and the candidates must be within the age group of 18-25 years. The Employment Exchange sponsored 13 candidates whose interview/practical test was held on 15-1-97 and the selection was made. Whereas respondents 7,8 and 9 were placed in panel, the petitioner's name was kept in the reserved list on the condition that he would be appointed only in case the panel candidate ^{do/b} ~~does not join~~ ^{do/b} The applicant alleged that the respondent did not hold any practical test; that respondent No.7, Niranjan Mondal had only

one year experience and thus did not possess the requisite qualification as per the recruitment rules. He has further stated that he was the best candidate on the basis of qualification and experience. He has sought quashing and setting aside of the selection panel of 15-1-97 and direction to the respondent not to confirm the Respondent No.7 and not to give appointment to the post of Technician pursuant to the selection to Respondent No.8 and 9 and to give appointment to the applicant instead. The official respondents in their counter reply have stated that on the basis of selection whereas after verification of Character and Antecedents respondent No.7 was appointed as Technician, appointment of respondent No.8 and 9 was ~~under process~~. However, by way of interim orders of the Court, appointment to Respondents 7,8 and 9 have to abide by the decision in the present matter. The official respondents have contended that they had held the oral interview as well as practical test. According to the respondents 7,8 and 9 are fully qualified and selected on merit. The respondents 7,8 and 9 have stoutly contradicted the claim of the applicant in their counter reply.

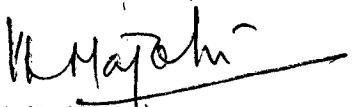
2. We have heard the learned counsel for all sides and perused the materials on record.

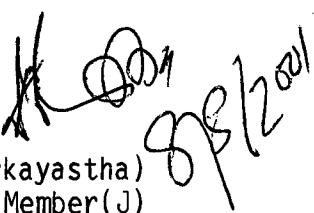
3. The learned counsel of the applicant contended that whereas as per rules apart from the oral interview practical test was also to be held for selection for the post of Technician, However, the respondents did not hold any such test, therefore the entire selection process gets vitiated and should be held de-novo. From the records produced by the official respondents, we find that respondents had held oral as well as practical test. The candidates were allotted marks in oral test out a total of 25 and practical test out of a total of 75. The selection was made on the basis of the total marks obtained by the candidates. Thus, the objections relating to non holding of the practical test for selection for the post of Technician is rejected outright. The learned counsel of the

official as well as private respondents have contended that the applicant having participated in the selection and having been placed in the reserved panel by the Selection Committee cannot turn round and question the legality of the entire selection process.

4. Whereas the learned counsel of the applicant has taken exception to the fulfilment of the condition relating to practical experience by respondents 7,8 and 9, the learned counsel of the private respondents contended that these respondents fulfilled the condition relating to practical experience as well as the other qualifications and that the Selection Committee had considered these candidates on the basis of their qualifications and empanelled them for the posts of Technician.

5. From the records of the respondents relating to the selection, we find that Selection Committee had looked at the qualifications and experience of the applicants and found that 13 candidates sponsored by the Employment Exchange did meet all the requirements relating to qualifications, experience etc. and were put to oral and practical tests. This Tribunal is not in a position to substitute itself in place of the Selection Committee. The Selection Committee has exercised its powers and satisfied itself about the qualifications and experience of the candidates and adopted the methodology prescribed for selection as per rules. Having participated in the selection in question and having been placed in the Reserved Panel and having not established any malafide or bias on the part of the Respondents and the Selection Committee, we do not find any merit in the OA or any infirmity in the selection process adopted by the respondents for selection for the post of Technician. This OA is accordingly dismissed. Awarding no cost.


(V.K. Majotra)
Member(A)


(D. Purkayastha)
Member(J)