

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

O.A. No. 520/86

B. Sreedevi Amma

Applicant

Vs.

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratty.
2. The Secretary, Department of
Social Welfare, Union Territory
of Lakshadweep, Kavaratty
3. Union Public Service Commission
represented by its Secretary,
Dholpur House, Shahjahan Road,
New Delhi-11
4. Saromma B., Chiled Development
Project Officer, U.T. of Lakshadweep,
Kavaratti

Respondents

Shri V. M. Na-yanar

Counsel for the
applicant

Shri P. V. Madhavan Nambiar
Shri T.P.M. Ibrahim Khan

Counsel for the
respondents

CORAM:

Hon'ble Shri Birbal Nath
Administrative Member

&

Hon'ble Shri G. Sreedharan Nair
Judicial Member

(Order pronounced by Hon'ble Shri G. Sreedharan Nair,
Judicial Member on 9.6.1987)

O R D E R

Heard counsel on either side.

2. The relief claimed in this application relates to the appointment to the post of Child Development Project Officer, Department of Social Welfare, Lakshadweep Administration. The applicant was a candidate for appointment to the post. She is a degree holder with Home Science, Sociology, etc. as optional subjects. The

Union Public Service Commission invited applications for selection and appointment to the post. The applicant as well as the fourth respondent put in their applications. The fourth respondent was selected. The selection was challenged by the applicant by filing a writ petition before the High Court of Kerala alleging that the call letter for interview to be held at New Delhi on 5.4.1982 was received by her only on 6.4.1982. The petition was disposed of by the High Court holding that the applicant was not offered ~~of~~ reasonable opportunity to participate in the interview and directing the U.P.S.C. to call the applicant again for interview with sufficient notice and to assess her suitability for the post. As the fourth respondent had in the meanwhile been appointed to the post on the basis of selection by the U.P.S.C., the High Court also directed that the regularisation of the appointment of the fourth respondent shall be made only after the assessment of the suitability of the applicant by the U.P.S.C. Thereafter, the applicant was interviewed but was informed by the UPSC that it has not been possible to select her for the post. The challenge in this application is against the said communication.

3. The ~~main~~ ground urged in the application is that the applicant is better qualified for the post than the fourth respondent, ~~was~~ being a graduate in Home Science, while the latter is only a graduate in Economics. There is also a pleading that the U.P.S.C. has not prepared a rank list of all persons interviewed for the post.

4. In the reply filed by the respondents, it is contended that the appointment of the fourth respondent was made after interviewing the candidates who responded to the call letters. Subsequently, pursuant to the

Judgement of the High Court of Kerala in the O.P. filed by the applicant, call letters were sent to five candidates including the applicant, of whom three appeared and were interviewed. The U.P.S.C. recommended the fourth respondent on the basis of the merit. The Select List of the candidates was prepared on the basis of their respective merits and ability. The interview Board was presided over by the nominee of the U.P.S.C. and consisted of two experts from outside and a representative from the Ministry of Social Welfare.


5. The short question that arises is whether the non-selection of the applicant as communicated by the letter at Annexure-E is to be quashed.

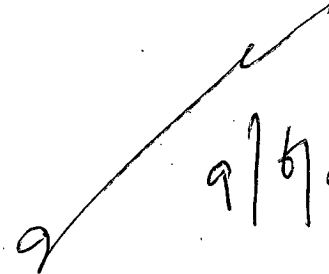
6. It is significant to note that there is no prayer in the application to quash the selection and appointment of the fourth respondent. It is in evidence that the applicant and the fourth respondent submitted their applications pursuant to the notification by the U.P.S.C. and that it was after assessing the merit of the candidates who responded to the call letters that the U.P.S.C. selected the fourth respondent, on the basis of which the first respondent appointed the fourth respondent to the post. It was only because the call letter was received by the applicant not in time so as to enable her to participate in the interview that the High Court in O.P. No. 3397/82 directed that as regards the applicant and similarly placed candidates, another interview is to be held to assess their merit and suitability for the post. Accordingly, such an interview was held and copy of the report of the interview Board has been produced by the respondents which is at Exbt. R-1 A. The applicant along with two others were interviewed. The Board is ^{seen} ~~seemed~~ to have made a subsequent assessment as to the suitability of the fourth respondent

vis-a-vis the three applicants interviewed afresh and has recommended the fourth respondent. It was in these circumstances that the communication at Annexure-E was sent to the applicant informing her that it has not been possible to select her for the post. It may be true that the applicant has higher qualifications. But, there is no case for the applicant that the fourth respondent does not satisfy the eligibility conditions for selection and appointment to the post. It has come out that the fourth respondent is a native of Lakshadweep Islands and is a member of Scheduled Tribe. When a comparative assessment of the merits and suitability of the applicant and the fourth respondent has been duly made by the Selection Board, we find no reason to interfere with the rejection of the applicant and the appointment of the fourth respondent.

7. As regards the ground urged that no rank list has been prepared by the U.P.S.C., we find no merit as it is seen from ^ER-1 A proceedings that such a list has actually been prepared by the Board.

We dismiss the application.


(G. Sreedharan Nair)
Judicial Member
9.6.87


(Birbal Nath)
Administrative Member
9.6.87

Index: ~~Yes~~/No