

**CENTRAL ADMINISTRATIVE TRIBUNHAL LUCKNOW BENCH LUCKNOW.
ORIGINAL APPLICATION NO: 127 OF 2004.**

THIS, THE 8/5 TH DAY OF JULY, 2005.

HON'BLE SHRI S.P. ARYA MEMBER (A)
HON'BLE SHRI K.B.S RAJAN MEMBER (A)

Dr. Dhurendra Kapoor, aged aboutk 57 years, son of late shri B.P. Kapoor, r/o 270, Uphar, Eldeco-1, Jail Road, Lucknow, presently working as acting Director, National Bureau of Fish genetic resources, Canal ring road, p.O.- Dilkusha, Lucknow.

Applicant.

By Advocate Shri A.K. Chaturvedi with Raj Singh.

Versus

1. Indian Council of Agricultural Research, Krishi Bhawan, New delhi, through its Secretry.
2. Director General, Indian Council of Agricultural research, Krishi Bhawan, New Delhi.
3. Agricultural Scientists Recruitment Board, Krishi Anusandhan Bhawan, Pusa, New Delhi, through its Secretary.
4. Chairman, agricultural Scientists recruitment Board, Krishi Anusandhan Bhawan, Pusa, New Delhi.

Respondents.

By Advocate Shri A. Nigam with shri p.K. Tripathi.

ORDER

BY HON'BLE SHRI K.B.S RAJAN MEMBER (J)

The applicant in this case, has inter alia sought the following relief :-

"8.(i) to declare the interview held on 25 3 2004 for the post of Director, National Bureau of Fish Genetic Resources, Luckow as null and void.

8.(ii) to issue a direction to the respondents to hold a fresh interview by calling all the candidates who possess essential and desirable qualifications for the post of Director, National Bureau of Fish Genetic Resources, Lucknow, with an open and transparent effective criteria for selection."

2. Briefly stated, the respondents had advertised for filling up the post of Director, National Bureau of Fish genetic Resources, Lucknow vide advertisement No. 01/2003. In the said advertisement, the essential qualifications as well as desirable have been clearly spelt out and the advertisement also contained as one of the instructions "*the prescribed essential qualifications are minimum, possessing of the same does not entitle candidates to be called for interview. Where the number of applications is large, the Board may restrict the number of candidates for interview to a reasonable limit on the basis of qualifications and experience higher than the minimum prescribed in the advertisement.*"
3. The applicant had applied for the said post of Director in the prescribed proforma in which, he had given full details in respect of his academic qualifications right from SSLC up to the Doctoral Degree, additional training in India or abroad, employment record, other experience relating the post Research Management and special attainments.
4. Subsequently, he had also preferred a representation in March, 2004 including therein all his achievements and other testimonials.
5. One Dr. P.C. Mahanta also applied for the same and he too, as the applicant did, had made representation reflecting therein his achievements etc.



6. The applicant was not called for the interview whereas, Dr. P.C. Mahanta had been called for the interview. As such, the applicant is aggrieved in his case as he was not called for the interview. Hence this O.A. on the following amongst other grounds:-
- (A) The applicant is fully eligible for the post of Director.
 - (B) Selection is made on the basis of interview and there is no provision for screening.
 - (C) No constitution of the alleged screening committee has been notified and published any rules or instructions.
 - (D) The applicant's representation dated 18.3.2004 was not considered. Dr. Mahanta called for interview. The applicant has not been called for interview. There is no transparency in the selection process.
7. Respondents have contested the O.A. Their contention is that as per advertisement No. 1/2003, the aspirants to the post have been duly informed as to the discretion of the Recruitment Board to filter the candidates by short listing them and possession of minimum qualifications does not *ipso facto* enable or entitle the applicants to be called for the interview. As regards the invitation of Dr. Mahanta for interview, to the exclusion of the applicant, in the wake of representations made by the applicant and Dr.P.C. Mahanta, it has been stated that since he was covered within the parameters of selection to be called for interview, he was called for the same whereas, the applicant's case falls outside the purview of initial filtration process.
8. Arguments were heard at length. The counsel for the applicant has stated that the applicant has been holding the post of Director on ad hoc basis since 2001 and he possesses all the requisite

qualifications as per the advertisement and yet he has not been called for interview. He has taken us through another advertisement No. 1/2005 in which exact the procedure of short listing the candidates for interview has been distinctly given. This procedure is known as **Score Card** Method in which marks are being allotted under various headings such as educational qualification, experience, publications/research work, etc., The counsel for the applicant has stated that this score card method prevailing in July 2003 was modified in 2004 and as such it is the modified version which should have been adopted and that too after making the aspiring candidates fully know in advance as to the said procedure so that they would be able to present their application tailoring it according to the Score Card Method. He has also invited the attention of this Tribunal the decision dated 07-04-2005 by Madras Bench in O.A. 289 and 291 of 2004, as per which in the earlier advertisement of 1/2003, one of the post at S.No. 11 in respect of which the Score Card system was adopted was directed to be re-advertised after reflecting the exact system of short listing. Hence the counsel for the applicant argued that in this case also the respondents should advertise and conduct the selection procedures in accordance with the professed system.

9. On the other hand, counsel for the respondents has submitted that there is absolutely no legal lacuna in the system adopted for selection nor is there any lack of transparency as such. According to him the authorities are fully empowered to

adopt a system of filtration process and all that is to be seen is that the system is (a) rational and (b) uniformly applied. He has invited the attention of this Tribunal to a decision of the Principal Bench of the Tribunal vide order dated 23 November 2004 in O.A. No. 175/04 where at para 19, Tribunal after examining in detail the validity and legality of the score card system, upheld the same. In addition, he has submitted that all the items for which various marks are allotted have been duly reflected in the application form and on the basis of the information furnished by the applicant, as also others, marks, under the Score Card System were awarded. It has been confirmed by the counsel for the applicant that the representation of the applicant filed on 17.3.2004 has also been fully considered. It has also been submitted by the counsel for respondent that in so far as eligibility for being called for the interview was concerned out of 75 marks stipulated in the score card system one has to secure 60% thereof (i.e. 45 marks) and the marks secured by any candidate under the score Card method is not disclosed to the interview Board and interview Board affords its own marks to the maximum of 25, on the basis of the performance of the candidate and the same is added to the marks as per score card system as well as that adopted in the interview or added together for making final selection. According to the respondent's counsel while Dr. P.C. Mahanta had qualified for interview, having secured about 45 marks, the applicant could not

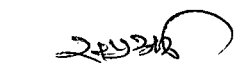
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reach the minimum level. On account of the same the applicant could not be called for interview.

10. The counsel for the respondents has made available the records relating to the selection, the same has been scanned by us. As per the score card system, the applicant could secure 30 out of 75, while Dr.P.C. Mahanta secured 46 marks.
11. It has been held in the case of ^{U.P.} ~~Union~~ **Public Service Commission Vs. Shubash Chandra Dixit 2003 (12) SCC 701** at para 33, "...this formula was adopted by the U.P. PSC after an expert study and in such matters the court cannot sit in judgments and interfere with the same unless it is proved that it was arbitrary and unreasonable exercise of power and the selection committee had done contrary to the rules."
12. We respectfully follow the decision of the Apex Court in the aforesaid judgment. The system adopted in the instant case is scientific as well as uniform. There is no unreasonableness in adopting the system much less, it can be called arbitrary. Nor do the rules prohibit adopting such system.
13. In view of the above we find that the O.A. is bereft of merit and is therefore, dismissed without any order as to costs.


(K.B.S. Rajan)

Member (J)


(S.P. Arya)

Member (A)