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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 372 of 1990(L)

Om Prakash Srivastava Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. K. Obayya, Member (A))

The applicant who is working as Chief Inspector (MET)/Chief Research Assistant(MET) in the Research Design Standards Organisation(R.D.S.O.), Lucknow, in the Railways, applied for selection to the post of Chemists and Metallurgists in response to a notification dated 13.1.1990 issued by U.P.S.C. The posts-5 in all, out of which one was reserved for S.T. candidates were attached to the Railway Board in the Ministry of Railways and formed part of Railway Service Group 'A'(Gazetted); and carried pay scale of Rs. 3000-4500/-. The Qualifications prescribed for the posts were-degree in Metallurgical Engineering or degree in Chemical Engineering from a recognised university covering certain specified fields like Petroleum products, paints and corrosion products etc. and 7 years experience in Industrial or Research and Development Organisation in manufacturing practices, materials specifications etc.

2. According to the applicant, having passed the examination conducted by Indian Institute of Metals, Calcutta in 1981, which awarded him a certificate A.M.I.I.M, which is equivalent to a degree in Metallurgical Engineering and with experience spanning 23 years in the related field, he was

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eligible for the post in all respects, But not withstanding this, the U.P.S.C. did not call him for interview. Aggrieved by this, the applicant has approached the tribunal praying for issuance of direction or order commanding respondent no.2 (U.P.S.C.) to call the applicant for interview for selection to the said post.

3. The case of the applicant is that he fulfills all the conditions regarding qualification, experience etc. for the post of Chemists and Metallurgists, notified by U.P.S.C. and in fact in the year i.e. 1988, he was called for interview for the vacancies notified then, though he was not successful and in these circumstances, the action of the respondents in not calling him for interview for the post does not stand to reason and is arbitrary and is in violation of Articles 14 and 16 of the Constitution. It is alleged by the applicant that persons with lesser qualification and experience who are working in R.D.S.O., Lucknow, namely A.K. Chetwani and Mr. Rastogi were called for interview. He made a representation to the U.P.S.C. pointing out this anomaly, but that had no effect.

4. The respondents have opposed the case and in the counter it is pointed out that mere possession of minimum qualification will not entitle a candidate to be called for interview. Where the number of applications received is large considering the number of vacancies, the U.P.S.C. short lists the candidates on the basis of higher qualification and experience, as it would not be possible to interview all the candidates, who had applied for the post.

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The practice of short listing the candidates to a reasonable limit has the sanction of rules. Regarding the interview card being sent to one Rastogi and another A.K. Chetwani. It is justified on the ground that both these candidates are having higher qualification and credentials than the applicant, being graduates in Engineering in the specified field. The said Sri Rastogi is B.Sc. in Chemical Technology while Sri Chetwani is A.M.I.E. and both of them passed degree earlier i.e. in 1967 and 1974 respectively, whereas the applicant has passed the examination only in 1981. As regards the total experience, it is pointed out that the applicant passed the A.M.I.I.M. in the year 1981 and as such the total experience he acquired after passing the degree was less than that of the candidates who were called for interview. It is also stated that if a candidate is called for interview in one year that does not automatically mean that he is entitled for interview thereafter. Calling the candidates for interview depends upon number of applications received and the interse-qualifications of the candidates. Those with higher qualification and experience are preferred for interview over those possessing mere minimum qualification or lesser experience. The respondents deny there was any arbitrariness or illegality or discrimination in not calling the applicant for interview, and the practice of short-listing of candidates, adopted by U.P.S.C. has been upheld as valid by Courts of law.

5. So far as the facts of the case are concerned, there is no dispute. Admittedly the applicant did satisfy



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the prescribed conditions of qualifications and experience. In these circumstances the question that arises is whether the applicant was entitled for interview call and was wrongly denied the same; More so when he was called for interview on an earlier occasion; The stand of the respondents is that the applications for the post were short-listed and those with better qualifications and experience were called for interview, as it would not be possible for the U.P.S.C. to call all the candidates for interview and in this process the applicant was edged out. This is the normal practice adopted by the U.P.S.C. and in the notification, calling for application, there is a specific instruction in this regard, and this procedure cannot be called into question. The instructions referred to is contained in the notification (Annexure C.A.2) and the relevant instruction reads as under :-

"All applicants must fulfil the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview.

Where the number of the applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit



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on the basis of either qualification, and experience higher than minimum prescribed in the advertisement or on the basis of experience higher than the minimum prescribed in the advertisement or on the basis of experience in the relevant field, or by holding a screening test."

6. From the above instructions, two aspects can be discerned as significant. That mere satisfaction of essential qualifications will not entitle a candidate to be called for interview, and that the number of candidates to be called for interview may be restricted under certain circumstances. In the instant case the stand of the respondents is that the candidates were short-listed for interview and it is on this account that the applicant was not sent the call letter as there were candidates with better qualifications and experience.

7. Reference may be made to the case of Satyadev Dahya Vs. Union of India (S.L.J.1990-168) wherein the Principal Bench of the Tribunal, placing reliance on the decision of the M.P.High Court in the case of Dal Pratap Singh Vs. State of M.P. (S.L.R.-1980(1) Vol.23-19) held that the Public Service Commission is competent to adopt the criteria for short-listing the candidates to be called for interview and as such short-listing is not arbitrary or illegal. In Jayant Kumar Vs. P.S.C. of M.P., Indore (1979(1) SLR - Vol.20-316) it was held by the High Court that P.S.C. is competent to screen the qualification and experience of the candidates and on the basis of screening the candidates can be selected for calling for interview and that the criteria for screening of candidates was reasonable and there was no hostile

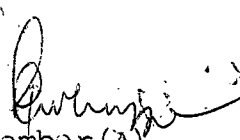

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discrimination involved. In Om Prakash Vs. State of M.P. a full bench of M.P. High Court held that it was within the jurisdiction and discretion of Public Service Commission to adopt any method it considers appropriate in making selections; The Bench also observed " if there are 3000 applications from eligible applicants, all the 3000 applicants cannot be considered for selection for calling interview and the Service Commission has discretion to eliminate some of them and select only a few candidates who have better qualification and experience. The situation is similar in the instant case. The applicant was eliminated in short-listing and those with better qualifications and experience were called for interview. In these circumstances, it cannot be said that denial of interview to the applicant was arbitrary or illegal. More so when Notification inviting applications for the post, makes specific mention that mere qualifications, will not entitle a candidate to be called for interview. The application has no merit and accordingly it is dismissed. Parties to bear their own costs.


Member (A)
Vice-Chairman

Lucknow Dated: 11/11/1992.

(RKA)