

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 162/2001

DATE OF DECISION: 27/9/2001

Abhay Philip Chandekar

Applicant

Shri U.M. Joshi

Advocate for
Applicant.

Versus

Union of India through The General

Respondents.

Manager, India Security Press, Nashik.

Shri V.G. Rege.

Advocate for
Respondents.

Coram:

Hon'ble Shri Justice V. Rajagopala Reddy, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not? *NO*
2. Whether it needs to be circulated to other Benches of the Tribunal? *NO*
3. Library. *Yes*

V.R.
(V. Rajagopala Reddy)
Vice Chairman

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO.162/2001
DATED THE 27th DAY OF SEPT,2001

CORAM: Hon'ble Justice Shri V.Rajagopala Reddy, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member(A)

Abhay Philip Chandekar,
6, Krishi Nagar, H.P.T. College Road,
Nashik - 5. ... Applicant

By Advocate Shri U.M. Joshi

V/s.

Union of India through
The General Manager,
India Security Press,
Nashik Road, Nashik. ... Respondents

By Advocate Shri V.G. Rege

(ORAL)(ORDER)

Per Shri V.Rajagopala Reddy, Vice Chairman

An advertisement has been published on 15/12/98 by the General Manager, India Security Press calling for applications for the post of Mazdoor from Sportsmen considered meritorious with reference to the criteria of the sportsmen either international or national or university level for 15 posts of Mazdoors. The minimum qualification for eligibility was 8th standard and not beyond 30 years. It was relaxed for OBC/SC/ST. The applicant being a sportsman having participated in Judo at international level had applied for the said post. He was invited for the written test comprising of 40 marks for assessment of General Knowledge and General Aptitude. He has written the examination but he was not invited for the Viva Voce. The grievance of the applicant is that the status of sports certificate was not taken into consideration while assessing and he was not called for the Viva Voce and hence not selected. The applicant therefore brought this OA before us.

2. It is contended by the Learned Counsel for the applicant that inspite of having got meritorious prizes in Judo in interschool competetion, international level and being a Graduate in Economics, the non selection of applicant was illegal and arbitrary.

3. It is stated in the reply that a total of 1700 applications were received and 217 applicants were found eligible. In order to short list the candidates, it was decided to conduct a written test consisting of 40 marks and 30 marks for status of certificates and 30 marks for oral test. The applicant having sportsmanship in Judo and having participated at international level had been called for written test alongwith 217 candidates. 46 candidates were placed in the merit^{list} as per the marks obtained by them in the written examination. Since the applicant was not ^{found meritorious} ~~successful~~ for being included in the said list as ~~such~~ he had procured less marks than 46 candidates, he was not called for interview.

4. We have given careful consideration to the arguments advanced by learned counsel^s. We have also perused the file pertaining to the selection including merit list on the basis of which the selections were made.

5. It is seen from the merit list that the successful candidates were shown as per marks obtained in the written test held on 13/2/2000. From this it is seen that the applicant got 16 marks as against his Roll No.50. We therefore find that the mark list was prepared merely on the basis of marks obtained in the written test. It is clear from this that though marks were assigned for status of certificate, the said marks were not taken

...3.

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into consideration for preparation of merit list. As seen from the advertisement these Mazdoors were selected from among sportsman having certain sportsmanship achievements to their credit.

6. It is therefore, necessary that the merit list should have been prepared taking into consideration the marks obtained by each candidate in the written examination, status of certificate and in the oral test. It is admitted ⁱⁿ ~~that~~ no recruitment rules for appointment to the post of Mazdoors have been framed so far. The selection was done on the basis of a method we find wholly unreasonable.

7. In the instant case, the applicant was not even ~~been~~ permitted to participate in the oral test. In our view, all the 217 candidates who were found eligible should have been sent for oral test. If the respondents found that there should be further short listing before the oral test, then the marks obtained by each of the candidate in status certificate and written test should be taken ⁱⁿ ~~in~~ consideration. The method of selection adopted by the respondents is therefore wholly vitiated and arbitrary and is accordingly set aside.



8. The respondents are directed to make fresh selection for the post of Mazdoor giving proper credit to the marks obtained by the candidates for their status certificate, written test as well as oral test of the merit list. The OA is accordingly allowed. In the circumstances, no costs.

Shanta

(SMT. SHANTA SHASTRY)
MEMBER(A)

V. Rajagopal Reddy

(V. RAJAGOPAL REDDY)
VICE CHAIRMAN

abp