

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 19 SEP 1988

APPLICATION NO. 1049 / 87(F)

W.P. NO. _____

Applicant(s)

Smt Lalitha S. Bhoj V/s
To

Respondent(s)

The Secretary, UPSC, New Delhi

1. Smt Lalitha S. Bhoj
393, 1st Block
Rajajinagar
Bangalore - 560 010
2. Shri C.V. Subba Rao
Advocate
389, O.T.C. Road
Bangalore - 560 053
3. The Secretary
Union Public Service Commission (UPSC)
Dholpur House
Shahajahan Road
New Delhi - 110 003
4. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 7-9-88.

*affixed
K. M. B.
19.9.88*

Encl : As above

O/c

P. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1049/87

Smt. Lalitha S. Bhoj,
W/o S.L. Bhoj,
Asst. Station Director,
Doordarshan Kendra,
Bangalore-1.

.... Applicant.

(Shri C.V. Subba Rao, Advocate)

The Secretary, v.

The Union Public Service Commission,
New Delhi.

.... Respondent.

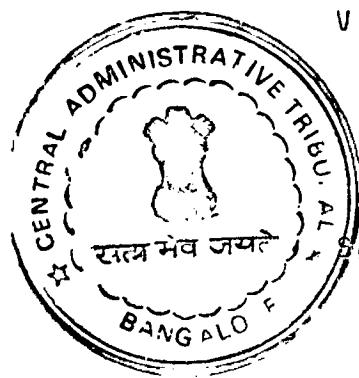
(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985 (Act).

2. In response to notification dated 14.2.87
(Annexure A1) issued by the Union Public Service Commission
(UPSC) inviting applications for 13 posts of Station
Directors (Ordinary Grade), the applicant a member of a
Schedule Caste (SC), applied for selection to the 2 posts
reserved to SCs'. As the applicant was not called for
interview, she has made this application for appropriate
directions to the UPSC.



3. The applicant has urged that exercising the discretionary powers conferred by Note 2 to the notification, the UPSC should have relaxed one of the essential qualifications of 7 years experience including 3 years administrative experience in a supervisory capacity detailed in the notification and her case considered for selection on that basis along with others.

4. In its reply, the respondent had asserted that there was a large number of applicants to the 2 posts reserved to SCs' and the relaxation was not rightly made. At the hearing of the case, the UPSC produced the relevant records for our perusal.

5. Shri C.V. Subba Rao, learned counsel for the applicant, contends that on the terms of Note 2 of the notification the UPSC was bound to relax the qualification relating to experience and then consider his client's case for selection.

6. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for the respondent contends that since there were sufficient number of candidates to the reserved category of SCs', the question of relaxation of qualifications under Note 2 of notification, was not rightly made.

7. In the notification calling for applications the number of posts notified were 13 and that out of them, 2 were reserved for SCs'.

8. Against the quota reserved to SCs', there were 180 applications which necessarily included that of the applicant. On their scrutiny, the UPSC found 68 candidates were eligible for selection. In other-words as many as 68 SC candidates satisfied all the requirements of the notifications. On a further scrutiny, the UPSC short listed the same to 25 candidates, called them for interview and rejected all other applications including that of the applicant. On this, it is crystal clear that there was no dearth of candidates from the SC category. When there was no dearth of candidates, relaxation of any of the qualifications under note 2 of the notification does not at all arise. We see no illegality or impropriety in the UPSC not calling the applicant for interview.

9. Even otherwise the shortfall in the qualification on experience was not marginal but was substantial. On this view also, the UPSC was justified in not calling the applicant for interview.

10. As the only one ground urged for the applicant, fails, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

TRUE COPY

sd/-

VICE-CHAIRMAN

7/2/85

sd/-

MEMBER (A) 7.10.1988

Deputy Registrar (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Bsg/Mrv.