

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE BENCH AT
BANGALORE

O.A.No.1870/94

G.SHANKARAIAH

Vs.

Union Public Service Commission

AFFIDAVIT

I, R.M.Bathew, aged about 63 years, Chairman, Union Public Service Commission, New Delhi, do hereby solemnly affirm and state as follows:-

1. Shri M.Vasudeva Rao, Advocate and Addl. Central Govt. Standing Counsel at Bangalore has informed vide his letter dated 31.1.95 that in connection with O.A. No.1870/94 - filed by Shri G.Shankaraiah Vs. U.P.S.C., the Hon'ble Central Administrative Tribunal, Bangalore Bench, Bangalore has desired to know the minimum qualifying marks fixed by the Commission for calling S.C. candidates for interview and also whether any other candidate belonging to S.C. category who has secured 845/2000 [equal to the applicant] has been called for interview or not.

2. I, as Chairman of the Union Public Service Commission, am in control of and in charge of its records.

I have carefully read and considered the relevant records and have come to the conclusion in respect of them as under:-

Details of item for which privilege is claimed:

Union Public Service Commission's records pertaining to fixation of minimum qualifying standard fixed for calling S.C. candidates for interview for Civil Services [Main] Examination 1993. as also the

Solemnly affirmed before me and read over & explained to the deponent and found correct

Oath Commissioner, New Delhi

[R.M.BATHEW]
Chairman
Union Public Service Commission
Deponent

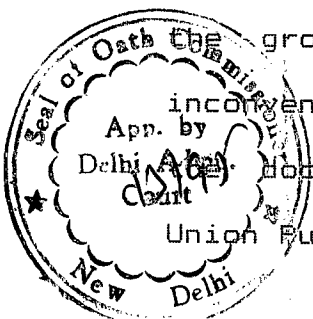
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minimum qualifying marks fixed for calling S.C. candidates for interview.

4. I do not give permission to anyone under Section 123 of the Indian Evidence Act, 1872 to produce the said documents or to give any evidence derived therefrom and claim privilege under the said Act.

5. However, I hasten to point out that I have no objection whatsoever to the documents in regard to which privilege has been claimed, being produced for perusal by the Hon'ble Judges of the Central Administrative Tribunal, Bangalore Bench for satisfying themselves about the bona-fides and genuineness of the privilege.

6. I realise the solemnity and significance attached to the exercise of power under Section 123 of the Indian Evidence Act, 1872, and privilege is not being claimed on the ground of expediency or to avoid an embarrassing or inconvenient situation or because it is apprehended that documents, if produce would defeat the case of the Union Public Service Commission.



Solemnly affirmed at New Delhi, this 16th day of Feb. 95.

[R.M.BATHEW]
Chairman
Union Public Service Commission
Deponent

VERIFICATION

I, R.M.Bathe, do hereby solemnly affirm and state that the contents of paragraphs 1 to 6 are true to my knowledge.

[R.M.BATHEW]
Chairman
Union Public Service Commission
Deponent

Solemnly affirmed before me and read over & explained to the deponent.

Oath Commissioner, New Delhi

16.2.95

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560038.

Dated: 9 MAR 1995

APPLICATION NO. 1870 of 1994.

APPLICANTS: Sri.G.Shankaraiah,
V/S.

RESPONDENTS: The Secretary, U.P.S.C., New Delhi and another.

To

1. Sri.N.B.Bhat, Advocate, No.545, 16th-A-Main,
Third Block, Koramangala, Bangalore-560034.
2. Sri.M.Vasudeva Rao, Addl. Central Govt.
Standing Counsel, High Court Bldg,
Bangalore-560001;

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 28-02-1995.

Issued on
9/3/95

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1870/1994

TUESDAY, THIS THE 28TH DAY OF FEBRUARY, 1995

SHRI V. RAMAKRISHNAN .. MEMBER (A)

SHRI A.N. VUJJANARADHYA .. MEMBER (J)

G. Shankaraiah,
S/o Gudiyappa, aged 33 years,
No.116, 'Q' Line,
C.A.R. Quarters, Mysore Road,
Bangalore - 560 018. ... Applicant

(By Advocate Shri N.B. Bhat)

Vs.

1. Union Public Service Commission,
Dholpur House, Shahajahan Road,
New Delhi - 110 011.
By its Secretary.
2. Union of India,
By Secretary to Government,
Department of Personnel,
Ministry of Home Affairs,
New Delhi 110 011. ... Respondents

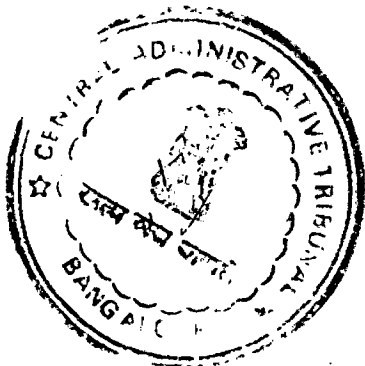
(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

ORDER

Shri V. Ramakrishnan, Member (A):

We have heard Shri N.B. Bhat, learned counsel for the applicant as also Shri M. V. Rao, learned Additional Central Govt. Standing Counsel.

2. The applicant who Belongs to S.C. had contended that the U.P.S.C. had called for interview candidates who had secured less than 845/2000 marks secured by him in the written examination of the Civil Service (Main) Examination - 1993, while he was not so called.



In the reply statement, the respondents had indicated that no candidate securing less than 845 marks and belonging to the Scheduled Caste had been called for interview for personality test. We had then enquired of the standing counsel as to whether any candidate belonging to Scheduled Caste who had secured the same marks, i.e., 845/2000 had been called for interview or not. We had also observed that if the department furnished the actual qualifying marks in respect of Scheduled Caste candidates for the purpose of being called for personality test, the controversy would be set at rest.

3. Shri M.V. Rao now shows us a memo signed by the Under Secretary, U.P.S.C., stating that no Scheduled Caste candidate who has secured 845/2000 marks had been called for interview for personality test on the basis of written examination held in 1993. As regards the observation regarding furnishing the actual qualifying marks, the Chairman, U.P.S.C. had filed a personal affidavit claiming privilege in respect of U.P.S.C. documents pertaining to fixing of minimum qualifying standard for the S.C. candidates for interview for Civil Services (Main) Examination 1993 as also the minimum marks fixed for that category. But, ^{she} has clarified that she has no objection whatsoever to the relevant documents to be produced before this Tribunal for our perusal, if we so direct.

4. In view of the categorical statement made by the U.P.S.C., that no Scheduled Caste candidate who secured 845/2000 marks (i.e., the same as the candidate) or who secured less marks² had been called for interview, we see no reason to pursue the matter further.

5. In the light of the position as brought out above, we hold that the application is devoid of merit and we accordingly dismiss the same. No costs.



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

(A.N.VUJJANARADHYA)
MEMBER (J)

(V. RAMAKRISHNAN)
MEMBER (A)