

(Jc)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1191/91.

Dt. of Decision : 23-9-94.

K. Usha Rani

.. Applicant.

Vs

The General Manager,
Ordinance Factory Project,
Ministry of Defence,
Government of India,
Eddumailaram, Dist. Medak.

.. Respondent.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. N. Bhaskar Rao, Addl. CGSC.

CORAM :

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(92)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

The applicant was appointed as an Apprentice Technician in January, 1961 in the Respondent's factory on monthly stipend of Rs. 500/-. She was called for interview along with the candidates sponsored by the Employment Exchange on 24-12-91 for ⁵the posts of Supervisor (Tech). Altogether 26 candidates including the applicant appeared for the examination.

2. After the written test, interview was conducted by the Selection Board comprising Additional General Manager/Q.A.S. ^{or} ~~with~~ Chairman and 3 other Class I gazetted officers as Members. The said selection Board allotted 50 marks for the written test and 50 marks for the personal interview and ranking was given on the basis of the total marks obtained in the written test. When the applicant was not within the first 5, she filed this OA ^{praying} for setting aside the entire selection by holding it as illegal and arbitrary as the allotment of 50 marks for personal interview ^{is} as excessive, and very high marks were given at the personal interview to the selected candidates to favour them.

3. This is ^{or} ~~the~~ case of direct recruitment for outsiders, and not for in service candidates. (Mohinder Sain Garg Vs. State of Punjab) 1991(1)SLR 546/is relied upon for the applicants to urge that in such cases, the maximum number of marks which can be allotted for personal interview/ viva-voce should not exceed 15% and hence the allotment of 50% in this case is excessive.

93

4. It is submitted for the Respondents as under:

It is not the Respondent but the Selection Board constituted by the General Manager which allotted 50% of marks for written test and 50% for personal interview depending upon the requirement of the job of Supervisor (Tech.). Keeping *in* view of such requirement i.e. the functional requirement of the job, the marks were allotted by the selection Board and ^{marks were given} ~~it was done~~ by adopting uniform yardstick for all the candidates in the interview. // It is held by the Supreme Court in various judgements that wherever interview has to be made besides written test for selection in regard to various posts, the possibility of subject ^{in element} ~~to elimination~~ can be eliminated to a large extent if the maximum marks allotted for interview are not excessive. It is further held by the Supreme Court that when it is a case of recruitment of candidates at younger age and even before they get sufficient experience, the maximum marks to be allotted for interview should not be high. In 1991 (1) SLR 546 (Mohinder Sain Garg Vs. State of Punjab) it was held that in such cases, the allotment of 25% marks as the maximum marks for viva-voce is excessive and it was further stated that it should not be more than 15% of the total marks.

56
5. In 1981 (3) SLR / (Lila Dhar Vs. State of Rajasthan) ^{in allotting 25% for interview} the Supreme Court upheld the provision for consideration for selection to the posts of Rajasthan judicial service on the ground that one of the judges of the High Court assisted the Selection Board members

-- 4 --

(200)

for selection and as the candidates who are eligible for the said examination should have the minimum standing at the bar.

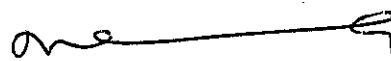
6. But in this case it is ^{not} ~~now~~ stated for the Respondents that minimum experience in regard to the particular trade was ^{viewed} ~~requested~~ for consideration for selection. Hence ^{the} absence of such requirement and when it is a case where selection is from amongst the candidates who cannot even have the experience in the particular trade, we feel that maximum allotment for interview should not exceed 15% as stated by the Supreme Court in 1991(1) SLR 546. It is immaterial as to whether the said allotment of marks is made by the department i.e. by the Respondents or by the Selection Committee and that will not have any bearing for consideration as to whether the allotment of 50% for interview is highly excessive and arbitrary.

7. Except the assertion for the applicant which is denied for the Respondents, there is nothing to indicate that the selection Board has favoured any at the time of selection. Hence the contention for the applicant that the selection Board awarded high marks for the selected candidates has to be ~~disagreed~~ ^{negated}.

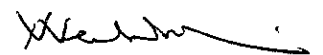
8. It is submitted that in view of the pendency of this OA, appointments were not given so far to the posts of Supervisors (Tech.). It is unfortunate that neither the applicant nor the Respondent brought to the notice of the Tribunal about the necessity of disposing this OA expeditiously. Be that as it may, the Respondent has to now prepare the panel by allotting maximum marks of ^{85%} ~~50%~~ for written test and ^{15%} ~~50%~~ for interview on the basis of marks obtained by the candidates who ^{are} ~~are~~ interviewed, at the time of written test and personal

-- 5 --

interview. Thus it means that for the purpose of ^{ascertaining} ~~ascertaining~~ the total number of marks secured by each candidate, the marks obtained by each candidate at the time of written test ^{has} ~~has~~ to be ^{increased} ~~enhanced~~ for the written test and proportionately reduced for the personal interview. In order to avoid further delay, the Respondent ~~is~~ directed to complete the exercise by the end of October, 1994. The OA is ordered accordingly. No costs./



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
Vice-Chairman

Dated the 23rd September, 1994
Open court dictation

NS


Deputy Registrar (J) CC

To

1. The General Manager, Ordinance Factory Project,
Ministry of Defence, Govt. of India,
Eddumailharam, Medak Dist.
2. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
3. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN M (J.D.N)

DATE: 23-09-1994

~~ORDER~~ JUDGMENT

M.A.No./R.A./C.A.No.

in

O.A.No.

1291/91

(T.A.No.

(W.P.NO

)

Admitted and Interim directions
Issued.

Allowed.

NO SPARE COPY

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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