

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

**ORDERS OF THE TRIBUNAL**

10.02.2014

OA No. 291/00068/2014

Mr. Sayed Arif Ali & Shri Jaslok Yadav, Proxy counsel for Mr. Jyotish Kalathy, Counsel for applicant.

Heard the learned counsel for the applicant. He submitted that UPSC had issued an advertisement in Employment News dated 28<sup>th</sup> September to 04<sup>th</sup> October, 2013 for the post of Public Prosecutor for Central Bureau of Investigation. The interview is the sole criteria for making selection. It was provided in the advertisement that in case the number of candidates being large, the Commission will adopt short listing criteria to restrict the number of candidates to be called for interview to be a reasonable number.

2. That UPSC is holding interview from 10<sup>th</sup> February, 2014 and has issued call letters to the candidates. However, the applicant has not been called for interview as he has not received any interview call letter. The applicant immediately approached the respondents UPSC to know the reasons for not receiving the call letter but no reply was given from their side.

3. The learned counsel for the applicant submitted that on earlier occasion, the UPSC had adopted the method of written examination for short listing but this time they have not adopted the same method of written examination. The applicant may be allowed to appear in the interview for the post of Public Prosecutor which are commencing from 10.02.2014.

4. He also referred to the judgment of the Hon'ble Supreme Court in the case of **Rajesh Awasthi vs. Nand Lal Jaiswal & Others**, 2013 (1) SCC 501, to support his arguments. I have carefully gone through the judgment of the Hon'ble Supreme Court. I am of the opinion that the ratio laid down by the Hon'ble Supreme Court is not applicable under the facts & circumstances of the present OA.

5. However, the learned counsel for the applicant was not able to show as to how the applicant is being aggrieved by not being called for interview by the UPSC. He could not show any paper or record which would suggest that any of the candidates who have been called for interview by the UPSC were less meritorious than the applicant.

6. The learned counsel for the applicant submitted that having no other option, the applicant served a legal notice dated 31.01.2014 through his counsel but the respondents have not given any reply so far.

*Anil Kumar*

7. Even from the perusal of the legal notice dated 31.01.2014 (Annexure A/1), it is clear that this legal notice has been given recently just ten days before. The respondents naturally would require sometime to respond to the legal notice. However, in the interest of justice, respondent no. 2 is directed to consider the legal notice of the applicant dated 31.01.2014 according to the provisions of law by a speaking order expeditiously but in any case within a period of three months from the date of receipt of a copy of this order.

8. The applicant is directed to give a copy of the legal notice along with paper book of the OA to the respondents within a period of 15 days from today.

9. With these observations, the OA is disposed of with no order as to costs.

  
(Anil Kumar)  
Member (A)

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